

PUBLIC MORALS, SAFETY AND WELFARE

Title 2

PUBLIC MORALS, SAFETY AND WELFARE

DIVISION 1. EMERGENCY SERVICES

Chapter 1. Emergency Services Organization.

Sections:

- 21.0101 Purposes.
- 21.0102 Definition of Emergency.
- 21.0103 Director, Assistant Director, and Division Manager of the Office of Emergency Services.
- 21.0104 Emergency Powers of the Director of Emergency Services; the Assistant Director of Emergency Services; and the Division Manager of the Office of Emergency Services.
- 21.0105 Duties of the Division Manager of the Office of Emergency Services.
- 21.0106 Disaster Council Membership.
- 21.0107 Disaster Council Chairman, Chairman Pro Tempore, and Staff.
- 21.0108 Disaster Council Powers and Duties.
- 21.0109 Organization.
- 21.0110 Violations.

DIVISION 2. FIREARMS AND DANGEROUS WEAPONS

Chapter 1. Firearms.

Sections:

- 22.011 Discharge of Firearms.
- 22.012 Shotguns and Rifles in Restricted Areas.
- 22.013 Exemptions.
- 22.014 Prohibition of Night Shooting.
- 22.015 Prohibited Areas.
- 22.016 Purchase of Firearms.
- 22.017 Prohibiting Firearms - Possession by Minors.
- 22.018 Disposition of Confiscated Firearms.
- 22.019 Throwing of Missiles.
- 22.0110 Penalty.
- 22.0111 Severability.
- 22.0112 Retail Licenses.

PUBLIC MORALS, SAFETY AND WELFARE

DIVISION 3. FIRE PROTECTION AND EXPLOSIVES AND HAZARDOUS MATERIALS

Chapter 1. Uniform Fire Code.

Sections:

- 23.011 Findings and Adoption of the Uniform Fire Code.
- 23.012 Storage of Flammable and Combustible Liquids.
- 23.013 Bulk Storage of Liquefied Petroleum Gases.
- 23.014 Storage of Explosives and Blasting Agents.
- 23.015 Amendments to the Uniform Fire Code.
- 23.016 Penalty.
- 23.017 Fees.
- 23.018 Validity Clause.

Chapter 2. Fire Regulations.

Sections:

- 23.021 Setting Fires.
- 23.025 Smoke Detectors.

Chapter 3. Abatement of Fire Hazards and Hazardous Trees.

Sections:

- 23.031 Duty to Abate Fire Hazards or Hazardous Trees.
- 23.032 Valley Area Fire Hazard Abatement.
- 23.033 Alternative Abatement of Large Parcels.
- 23.034 Mountain Area Fire Hazard Abatement.
- 23.035 Desert Area Fire Hazard Abatement.
- 23.036 Hazardous Tree Abatement Within Mountain Area.
- 23.037 Enforcement
- 23.038 Notice and Order to Abate
- 23.039 Emergency Abatement.
- 23.040 Appeal Procedure.
- 23.041 Removal of Fire Hazard or Hazardous Tree by Private Contractor.
- 23.042 Payment for Abatement of Fire Hazard or Hazardous Tree.
- 23.043 Penalty for Violations.

PUBLIC MORALS, SAFETY AND WELFARE

Chapter 4: Authority and Administration for Hazardous Materials.

Sections:

- 23.0401 Intent and Enforcement Authority.
- 23.0402 Scope of Authority.
- 23.0403 Definitions.
- 23.0404 Validity and Severability.
- 23.0405 Existing Law Continued.
- 23.0406 No Liability/No Warranty.
- 23.0407 Authority to Investigate, Detain and/or Issue Citation and/or Abate a Public Nuisance.
- 23.0408 Interference Unlawful/Criminal Penalties For.
- 23.0409 Public Records.
- 23.0410 Remedies for Public Nuisances.
- 23.0411 Civil Remedies and Penalties, and Remedies for Fraud or Unfair Business Practices.
- 23.0412 Criminal Penalties.
- 23.0413 Notice of Lien for Non Compliance.

Chapter 5 - Public Nuisance Abatement for Hazardous Materials

Sections:

- 23.0501 Authority.
- 23.0502 Definitions.
- 23.0503 Resolution.
- 23.0504 Duty to Abate.
- 23.0505 Criminal and Civil Penalties Applicable.
- 23.0506 Emergency Abatement.
- 23.0507 Notice to Abate.
- 23.0508 Appeal Procedure.
- 23.0509 Abatement.
- 23.0510 Payment for Abatement.

PUBLIC MORALS, SAFETY AND WELFARE

Chapter 6 – Permits, Inspections and Hearing Procedures for Hazardous Materials

Sections:

- 23.0601 Authority.
- 23.0602 Current CUPA Operational Permit Required.
- 23.0603 Division Plan Review and Construction Permits Required.
- 23.0604 Administration of CUPA Permits, Special Processing Fees and Penalties.
- 23.0605 Operating With an Expired Permit Unlawful.
- 23.0606 Grounds for Revocation of CUPA Permits; Administrative Procedures and Penalties for Continued Operation.
- 23.0607 New CUPA Permit Required After Revocation.
- 23.0608 Grounds for Summary Suspension of CUPA Permit and Penalties for Continued Operation.
- 23.0609 Inspections.
- 23.0610 Administrative Hearing Procedures.

Chapter 7 - CUPA PERMIT ELEMENTS FOR HAZARDOUS MATERIALS.

Articles:

- Article 1. Hazardous Waste Generators and Hazardous Waste On-Site Treatment CUPA Program Element.
- Article 2. Underground Storage Tanks CUPA Program Element.
- Article 3. Hazardous Material Release Response Plans and Inventories CUPA Program Element.
- Article 4. California Accidental Release Prevention (CALARP) Program CUPA Program Element.
- Article 5. Above Ground Storage Tanks CUPA Program Element.
- Article 6. Uniform Fire Code Hazardous Material Management Plans and Inventories CUPA Program Element.

Article 1. Hazardous Waste Generators and Hazardous Waste On-Site Treatment CUPA Program Element.

Sections:

- 23.0710 Authority.
- 23.0711 Definitions.
- 23.0712 Permits Required.
- 23.0713 Requirements - General.
- 23.0714 Orders Specifying Compliance Or Correction; And Orders To Cease And Desist, Remediate, Or Mitigate Disposal Of Hazardous Waste.
- 23.0715 Administrative Penalties and Administrative Due Process.
- 23.0716-19 (Reserved)

PUBLIC MORALS, SAFETY AND WELFARE

Article 2. Underground Storage Tanks CUPA Program Element.

Sections:

- 23.0720 Authority.
- 23.0721 Definitions.
- 23.0722 CUPA Permit and Fees Required.
- 23.0723 CUPA UST Installation and Modification Requirements.
- 23.0724 CUPA UST Permit Application and Conditions.
- 23.0725 Inspections.
- 23.0726 Modifying and Terminating CUPA UST Permits.
- 23.0727 CUPA Permit to Repair or Upgrade Existing Underground Storage Tanks.
- 23.0728 Tank Entry Guidelines for Maintenance, Repair, Lining and Bladder Installations.
- 23.0729 Storage Tanks Not in Use.
- 23.07210 Temporary Closure.
- 23.07211 Closure by Removal.
- 23.07212 Permanent Closure in Place.
- 23.07213 Sampling Analysis for Closures.
- 23.07214 Corrective Action Requirements.
- 23.07215-299 (Reserved)

Article 3. Hazardous Material Release Response Plans and Inventories CUPA Program Element.

Sections:

- 23.0730 Authority.
- 23.0731 Definitions.
- 23.0732 Requirements – General.
- 23.0733-39 (Reserved)

Article 4. California Accidental Release Prevention (CALARP) Program CUPA Program Element.

Sections:

- 23.0740 Authority.
- 23.0741-49 (Reserved)

Article 5. Above Ground Storage Tanks CUPA Program Element.

Sections:

- 23.0750 Authority.
- 23.0751 Definitions.
- 23.0752-59 (Reserved)

PUBLIC MORALS, SAFETY AND WELFARE

Article 6. Uniform Fire Code Hazardous Material Management Plans and Inventories CUPA Program Element.

Sections:

- 23.0760 Authority.
- 23.0761 Definitions.
- 23.0762-69 (Reserved)

DIVISION 4. DISORDERLY CONDUCT, PLACES AND PUBLICATIONS

Chapter 1. Nude Entertainment and Commercial Nudity.

Sections:

- 24.011 Alcoholic Beverage Establishments.
- 24.012 Other Establishments.
- 24.013 Commercial Nudity Other Than Entertainment.
- 24.014 Employment or Payment Not Necessary For Offense.

Chapter 2. Repealed by Ordinance 3468.

Chapter 3. Blinder Racks.

Sections:

- 24.031 Definitions.
- 24.032 Requirement of Blinder Racks.
- 24.033 Penalty.
- 24.034 Severability.

Chapter 4. Off-limits Rules at Military Installations.

Sections:

- 24.041 Prohibiting Places Declared Off-limits From Serving Military Personnel.
- 24.042 Posting of Off-limits Signs.
- 24.043 Prevention of Military Personnel From Entering Off-limits Premises.

Chapter 5. Alcoholic Beverage Containers.

Section:

- 24.051 Possession of Open Alcoholic Beverage Container on Premises of or on Sidewalk Adjacent to Premises of Retail Package Licensee; Licensee Posting.

PUBLIC MORALS, SAFETY AND WELFARE

Chapter 6. Subsequent Sheriff Response to Parties, Gatherings or Events

Sections:

- 24.0601 Findings
- 24.0602 Definitions
- 24.0603 Sheriff Services at Parties Requiring More Than One Response
- 24.0604 Sheriff Services Fee
- 24.0605 Billing
- 24.0606 Appeal

DIVISION 5. MINORS

Chapter 1. Curfew Regulations.

Sections:

- 25.011 Curfew Hours.
- 25.012 Responsibility of Parents.

Chapter 2 Daytime Loitering on School Days

Sections:

- 25.021 Purpose
- 25.022 Prohibited acts.
- 25.023 Valid excuses.
- 25.024 Enforcement procedure.
- 25.025 Infraction -- Penalty.
- 25.026 Hearing requirement -- Parental obligation to attend.
- 25.027 Cost recovery.
- 25.028 Severability.

DIVISION 6. GAMBLING

Chapter 1. Cards, Dice and Similar Games.

Sections:

- 26.011 Permitting Illegal Games.
- 26.012 Participation in Illegal Games.

PUBLIC MORALS, SAFETY AND WELFARE

Chapter 2. Pinball Machines, Marble Machines and Similar Contrivances.

Sections:

- 26.021 Background to Prohibition of Pinball Machines.
- 26.022 Possession or Use of Pinball Machine.
- 26.023 Public Nuisance.
- 26.024 Confiscations and Destruction of Gambling Apparatus.

DIVISION 7. POLICE REGULATIONS AND PUBLIC PROTECTION

Chapter 1. Tort Claims.

Sections:

- 27.011 Solicitation of Tort Claims - Prohibited.
- 27.012 Negotiations Between Joint Tort Claimants.

Chapter 2. False Reports to Sheriff.

Sections:

- 27.021 Prohibition.

Chapter 3. Tree Trimming.

Sections:

- 27.031 Accumulation Declared a Nuisance.
- 27.032 Definition of Accumulation.

Chapter 4. Misdemeanants.

Sections:

- 27.041 Violation.

Chapter 5. Abandoned Orchards.

Sections:

- 27.051 Purpose.
- 27.052 Definitions.
- 27.053 Prohibition of Neglected or Abandoned Orchards.
- 27.054 Notice.
- 27.055 Appeal of Commissioner's Determination.
- 27.056 Removal of Trees.
- 27.057 Legal Action to Compel Removal.

PUBLIC MORALS, SAFETY AND WELFARE

Chapter 6. Elm Leaf Beetle.

Sections:

- 27.061 Purpose.
- 27.062 Spraying.
- 27.063 Publication; Decision as to Whether Nuisance Exists.

Chapter 7. Political Signs. Repealed by Ordinance 3596.

Chapter 8. Criminal Records Review Board.

Sections:

- 27.081 Establishment of Criminal Records Review Board.
- 27.082 Consideration of Applicant Request.
- 27.083 Quorum.
- 27.084 Decision of Board.
- 27.085 Correction of Records.

Chapter 9. Police Dogs.

Section:

- 27.091 Unlawful Acts.

Chapter 10. Distribution of Funds From Forfeitures and Seizures.

Sections:

- 27.101 Operation of Health and Safety Code § 11509.
- 27.102 Funds Subject to Distribution.
- 27.103 Eligible Organizations.
- 27.104 Claims.
- 27.105 Allocation Provisions.
- 27.106 Reports to Board of Supervisors.
- 27.107 Effective Date.

Chapter 11. Replica Firearms.

Sections:

- 27.111 Replica Firearms -- Display for Sale and Sale Prohibited.
- 27.112 Penalty for Violation.

PUBLIC MORALS, SAFETY AND WELFARE

Chapter 12. Regulation of Ephedrine Purchases

Sections:

- 27.121 Legislative Purpose
- 27.122 Definitions
- 27.123 Limitation on Sales
- 27.124 Penalties

Chapter 13. Courthouse Security

Sections:

- 27.1301 Findings.
- 27.1302 Definitions.
- 27.1303 Restricted Entry.
- 27.1304 Penalty for Violation.

DIVISION 8. PROPERTY PROTECTION

Chapter 1. Land.

Section:

- 28.011 Posted Property.

Chapter 2. Buildings.

Sections:

- 28.021 Unlawful Entry.
- 28.022 Unlawful Occupancy.

Chapter 3. San Bernardino County Regional Parks.

Sections:

- 28.031 Scope.
- 28.032 Definitions.
- 28.033 Authority of Director and Park Rangers.
- 28.034 Boating and Waterways.
- 28.035 Permit Required.
- 28.036 Vehicle Use.
- 28.037 General Use Regulations.
- 28.038 Denial of Entry.

PUBLIC MORALS, SAFETY AND WELFARE

Chapter 4. Motorcycles and Off-the-road Vehicles. (Repealed by Ordinance 3973)

Sections:

- 28.041 Repealed by Ordinance No. 3096.
- 28.042 Repealed by Ordinance 3973 (2006)
- 28.043 Repealed by Ordinance 3973 (2006)
- 28.044 Repealed by Ordinance 3973 (2006)
- 28.045 Repealed by Ordinance 3973 (2006)

Chapter 4: OFF-HIGHWAY MOTOR VEHICLE USE (Reenacted by Ordinance 3973)

Sections:

- 28.0401 Definitions.
- 28.0402 Applicability.
- 28.0403 Operating Without Permission on Private or Public Property Prohibited.
- 28.0404 Staging; Permit Required.
- 28.0405 Noise Limits.
- 28.0406 Disturbing the Peace and Quiet Prohibited.
- 28.0407 Penalty.

Chapter 5. Trespass.

Sections:

- 28.051 Trespass by Refusal to Leave.
- 28.052 Trespass by Prohibited Entry.
- 28.053 Form of Notification.
- 28.054 Exceptions.

Chapter 6. Access: Cucamonga Canyon.

Section:

- 28.061 Prohibition of Unauthorized Access to Cucamonga Canyon.

Chapter 7. Graffiti Suppression.

Sections:

- 28.071 Findings.
- 28.072 Definitions.
- 28.073 Removal of Graffiti.
- 28.074 Aerosol Paint Containers and Felt Tip Markers.
- 28.075 Property Maintenance

DIVISION 9. PUBLIC SAFETY

Chapter 1. Swimming Pools. - Repealed by Ordinance 3560

PUBLIC MORALS, SAFETY AND WELFARE

DIVISION 10. VALIDITY OF TITLE 2

Chapter 1. Validity

Sections:

210.0101 Validity of Title 2

PUBLIC MORALS, SAFETY AND WELFARE

Title 2

PUBLIC MORALS, SAFETY AND WELFARE

DIVISION 1. EMERGENCY SERVICES

CHAPTER 1 EMERGENCY SERVICES ORGANIZATION

Sections:

- 21.0101 Purposes.
- 21.0102 Definition of Emergency.
- 21.0103 Director, Assistant Director, and Division Manager of the Office of Emergency Services.
- 21.0104 Emergency Powers of the Director of Emergency Services; the Assistant Director of Emergency Services; and the Division Manager of the Office of Emergency Services.
- 21.0105 Duties of the Division Manager of the Office of Emergency Services.
- 21.0106 Disaster Council Membership.
- 21.0107 Disaster Council Chairman, Chairman Pro Tempore, and Staff.
- 21.0108 Disaster Council Powers and Duties.
- 21.0109 Organization.
- 21.0110 Violations.

21.0101 Purposes.

The declared purposes of this chapter are to provide for the preparation and execution of plans for the protection of life and property within this County in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this County with all other public agencies, corporations, organizations and affected private persons.

Amended Ordinance 3066 (1986); Amended Ordinance 3589 (1994); Amended Ordinance 3696 (1997), Repealed Ordinance 3922 (2004), Adopted Ordinance 3922 (2004),

21.0102 Definition of Emergency.

As used in this chapter, "emergency" shall mean an actual disaster or threat of disaster or of an extreme peril to the safety of life and property within this County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions including situations resulting from war, terrorist attack or imminent threat of war or terrorist attack, but other than circumstances resulting from a labor controversy; where such conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this County acting independently of each other, thus requiring coordinated action within the County and possibly the assistance of other private and public agencies within and without the County.

Amended Ordinance 3066 (1986); Amended Ordinance 3589 (1994); Amended Ordinance 3696 (1997), Repealed Ordinance 3922 (2004), Adopted Ordinance 3922 (2004),

21.0103 Director, Assistant Director, and Division Manager of the Office of Emergency Services.

(a) There is hereby created the Office of Director of Emergency Services. The Chairman of the Board of Supervisors shall be the Director of Emergency Services. In the absence of the Chairman of the Board of Supervisors, the Vice-Chairman of the Board of Supervisors shall serve in this capacity. In the absence of the Chairman and Vice-Chairman of the Board of Supervisors, one of the three remaining members of the Board of Supervisors shall serve in this capacity, in order of their seniority of service on the Board of Supervisors.

(b) There is hereby created the Office of Assistant Director of Emergency Services, who shall be the County Administrative Officer. The Fire Chief of the San Bernardino County Consolidated Fire District shall serve in this capacity in the absence, or upon the delegation, of the County Administrative Officer.

(c) There shall be appointed a Manager of the Office of Emergency Services, who shall be the day-to-day manager and coordinator of Emergency Services.

Amended Ordinance 3066 (1986); Amended Ordinance 3589 (1994); Amended Ordinance 3696 (1997), Repealed Ordinance 3922 (2004), Adopted Ordinance 3922 (2004),

21.0104 Emergency Powers of the Director of Emergency Services; the Assistant Director of Emergency Services; and the Division Manager of the Office of Emergency Services.

(a) The Director of Emergency Services, and in the absence of the Director, the Assistant Director of Emergency Services, and in the absence of the Assistant Director, the Division Manager of the Office of Emergency Services is hereby empowered to:

(1) Request the Board of Supervisors to proclaim the existence of a "Local Emergency" if the Board of Supervisors is in session, or to issue such proclamation if the Board of Supervisors is not in session. Whenever a local emergency is proclaimed by the Director of Emergency Services, the Assistant Director of Emergency Services, or the Division Manager of Emergency Services, the Board of Supervisors shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect;

(2) Recommend that the Board of Supervisors request the Governor to proclaim a "State of Emergency" when, in his or her opinion, the locally available resources are inadequate to cope with the emergency;

(3) Control and direct the effort of the emergency organization of this County for the accomplishment of the purposes of this chapter;

(4) Direct cooperation between and coordination of services and staff of the emergency organization of this County; and resolve questions of authority and responsibility that may arise between them; and

(5) Represent this County in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

(b) In the event of the proclamation of a "Local Emergency" as herein provided, the proclamation of a "State of Emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "State of War Emergency," the Director of Emergency Services, and in the absence of the Director, the Assistant Director of Emergency Services, and in the

EMERGENCY SERVICES ORGANIZATION

absence of the Assistant Director, the Division Manager of the Office of Emergency Services, is hereby empowered to:

(1) Make and issue rules, regulations and orders on matters reasonably related to the protection of life and property as affected by such emergency, provided, however, that such rules, regulations and orders are confirmed at the earliest practicable time by the Board of Supervisors;

(2) Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property, and to bind the County for the fair value thereof and, if required immediately, to commandeer the same for public use;

(3) Require emergency services of any County officer or employee, and in the event of the proclamation of a "Local Emergency" in the County or the existence of a proclaimed "State of Emergency" or a "State of War," to command the aid of as many citizens of this County as he or she deems necessary in the execution of his or her duties; all such County officers and employees performing disaster work that is outside the course and scope of their regular employment without pay, and all such commanded citizens, shall be entitled to all privileges, benefits and immunities as are provided by State law for registered disaster service workers;

(4) Requisition necessary personnel or material of any County department or agency; and

(5) Execute all of his or her ordinary power as Director of Emergency Services, all of the special powers conferred upon him or her by this Chapter or by resolution or emergency plan adopted by the Board of Supervisors, all powers conferred upon him or her by any statute, by any agreement approved by the Board of Supervisors, and by any other lawful authority.

(c) The Director may pre-designate a person to attend Disaster Council and other meetings concerning emergencies as his or her representative in the event he or she is unavailable to attend.

Amended Ordinance 3066 (1986); Amended Ordinance 3589 (1994); Amended Ordinance 3696 (1997), Repealed Ordinance 3922 (2004), Adopted Ordinance 3922 (2004),

21.0105 Duties of the Division Manager of the Office of Emergency Services.

The Division Manager of the Office of Emergency Services shall develop emergency plans and manage the emergency programs of this County, and shall have such other powers and duties as may be assigned by the Director of Emergency Services or the Board of Supervisors.

The Division Manager of the Office of Emergency Services shall, prior to an emergency, be responsible for:

(a) Developing and coordinating the Emergency Services planning for San Bernardino County, which will provide for the utilization of all County governmental entities; their resources and equipment; all commercial and industrial resources; and all special groups, bodies, and organizations, including the San Bernardino Operational Area Coordinating Council, as may be necessary for the support of Emergency Services operations;

(b) Developing and coordinating such training programs and exercises as may be necessary for operational requirements;

(c) Developing and coordinating programs designed to inform the public of measures for self-protection and Emergency Services activities;

EMERGENCY SERVICES ORGANIZATION

(d) Coordinating and serving as liaison with Federal, State, and other County and City and Town Emergency Services agencies, and with representatives of the United States Armed Forces;

(e) Recommending to the San Bernardino County Disaster Council for consideration all matters within the purview of the Council's responsibilities; and

(f) Recommending to the Board of Supervisors for consideration matters of policy decision insofar as they relate to Emergency Services; and

(g) Overseeing the emergency operations plans of county groups, departments, and agencies.

During an emergency, the Division Manager of the Office of Emergency Services will assist the Director of Emergency Services and/or Assistant Director of Emergency Services in coordinating the response of the emergency organization.

Amended Ordinance 3066 (1986); Amended Ordinance 3589 (1994); Amended Ordinance 3696 (1997), Repealed Ordinance 3922 (2004), Adopted Ordinance 3922 (2004),

21.0106 Disaster Council Membership.

(a) The San Bernardino County Disaster Council is hereby created and shall consist of the following twenty voting members and one non-voting member:

(1) The Chairman of the Board of Supervisors, or his or her pre-designated representative in his or her absence;

(2) The four remaining members of the Board of Supervisors, or each remaining Supervisor's pre-designated representative in his or her absence;

(3) The County Administrative Officer, or his or her pre-designated representative in his or her absence;

(4) The Assistant County Administrative Officer, or his or her pre-designated representative in his or her absence;

(5) The Assistant County Administrator for Economic Development/Public Services Group, or his or her pre-designated representative in his or her absence;

(6) The Assistant County Administrator for Human Services System, or his or her pre-designated representative in his or her absence;

(7) The Fire Chief/Fire Warden of the San Bernardino County Consolidated Fire District, or his or her pre-designated representative in his or her absence;

(8) The Auditor/Controller-Recorder, County Clerk, or his or her pre-designated representative in his or her absence;

(9) The County Sheriff, or his or her pre-designated representative in his or her absence;

(10) The County Public Administrator/Coroner-Public Guardian/Conservator, or his or her pre-designated representative in his or her absence;

(11) The County Director of the Human Resources Department, or his or her pre-designated representative in his or her absence;

(12) The County Public Health Director, or his or her pre-designated representative in his or her absence;

(13) The County Health Officer, or his or her pre-designated representative in his or her absence;

EMERGENCY SERVICES ORGANIZATION

- (14) The County Director of the Information Services Department, or his or her pre-designated representative in his or her absence;
- (15) The County Director of the Special Districts Department, or his or her pre-designated representative in his or her absence;
- (16) The County Director of the Department of Public Works, or his or her pre-designated representative in his or her absence;
- (17) The County Superintendent of Schools, or his or her pre-designated representative in his or her absence; and
- (18) A non-voting At-large Representative of the San Bernardino County Operational Area Coordinating Council selected by that body to serve in such ex officio capacity, or that Coordinating Council's selected alternate representative in his or her absence.

Amended Ordinance 3066 (1986); Amended Ordinance 3589 (1994); Amended Ordinance 3696 (1997), Repealed Ordinance 3922 (2004), Adopted Ordinance 3922 (2004),

21.0107 Disaster Council Chairman, Chairman Pro Tempore, and Staff.

(a) The Chairman of the Board of Supervisors shall serve as the Disaster Council Chairman. In the absence of the Chairman of the Board of Supervisors, the Vice-Chairman of the Board of Supervisors shall serve as the Disaster Council Chairman. In the absence of the Chairman and Vice-Chairman of the Board of Supervisors, one of the three remaining members of the Board of Supervisors shall serve as the Disaster Council Chairman, in order of their seniority of service on the Board of Supervisors. In the absence of all members of the Board of Supervisors, the County Administrative Officer shall serve as the Disaster Council Chairman. In the absence of all members of the Board of Supervisors and the County Administrative Officer, the Fire Chief of the Consolidated Fire District shall serve as the Disaster Council Chairman.

(b) A member of the Disaster Council shall be selected annually by the members of the Disaster Council to serve as the Disaster Council Chairman Pro Tempore, to chair the Disaster Council meetings in the absence of the Chairman of the Board of Supervisors, the Vice-Chairman of the Board of Supervisors, the County Administrative Officer, and the Fire Chief of the Consolidated Fire District.

(c) The staff assigned to assist the San Bernardino County Disaster Council in carrying out its powers and duties shall consist of the following:

- (1) The Division Manager of the County's Office of Emergency Services, who shall serve as the Executive Director of the Disaster Council to facilitate its operations, or an Office of Emergency Services staff member assigned to assist the Disaster Council in his or her absence;
- (2) The County Counsel, or a Deputy County Counsel assigned to advise the County's Office of Emergency Services in his or her absence.
- (3) Such other persons as are required by the Disaster Council.

Amended Ordinance 3066 (1986); Amended Ordinance 3589 (1994); Amended Ordinance 3696 (1997), Repealed Ordinance 3922 (2004), Adopted Ordinance 3922 (2004),

21.0108 Disaster Council Powers and Duties.

EMERGENCY SERVICES ORGANIZATION

It shall be the duties of the San Bernardino County Disaster Council, and it is hereby empowered, to advise and recommend for adoption by the Board of Supervisors, emergency plans, mutual aid agreements, and such ordinances, resolutions, rules and regulations as are necessary to implement such plans and agreements; and to serve as the San Bernardino County Citizen Corps Council. The Disaster Council shall meet at least annually or upon call of the Director of Emergency Services, the Assistant Director of Emergency Services, or the Division Manager of the Office of Emergency Services as often as is deemed necessary by such persons.

Amended Ordinance 3066 (1986); Amended Ordinance 3589 (1994); Amended Ordinance 3696 (1997), Repealed Ordinance 3922 (2004), Adopted Ordinance 3922 (2004),

21.0109 Organization.

(a) EMERGENCY ORGANIZATION. All officers and employees of this County, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of section 21.0104(b)(3) of this chapter to be charged with duties incident to the protection of life and property in this County during such emergency, shall constitute the emergency organization of the County of San Bernardino.

(b) DISASTER SERVICE WORKERS. All public and private volunteer agencies, and members, e.g., Disaster Service, Emergency Medical Services, Search and Rescue, and Communication Organizations, will register with the Office of Emergency Services as Disaster Service Workers.

Amended Ordinance 3066 (1986); Amended Ordinance 3589 (1994); Amended Ordinance 3696 (1997), Repealed Ordinance 3922 (2004), Adopted Ordinance 3922 (2004),

21.00110 Violations.

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars (\$500.00) or by imprisonment for a period not to exceed six (6) months, or both, for any person, during a State of War Emergency, State of Emergency or Local Emergency, or a drill or exercise in preparation for any such emergency to:

(a) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of duties, to include but not be limited to willful deliberate interference with radio communications between persons designated as agents of the County, paid or volunteer, during a practice drill or an emergency;

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if it is of such a nature as to give or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this County, or to prevent, hinder, or delay the defense or protection thereof; or

(c) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State of California or San Bernardino County.

Amended Ordinance 3066 (1986); Amended Ordinance 3589 (1994); Amended Ordinance 3696 (1997), Repealed Ordinance 3922 (2004), Adopted Ordinance 3922 (2004),

FIREARMS

DIVISION 2. FIREARMS AND DANGEROUS WEAPONS

Chapters:

1. Firearms

Chapter 1

FIREARMS

Sections:

- 22.011 Discharge of Firearms.
- 22.012 Shotguns and Rifles in Restricted Areas.
- 22.013 Exemptions.
- 22.014 Prohibition of Night Shooting.
- 22.015 Prohibited Areas.
- 22.016 Purchase of Firearms.
- 22.017 Prohibiting Firearms - Possession by Minors.
- 22.018 Disposition of Confiscated Firearms.
- 22.019 Throwing of Missiles.
- 22.0110 Penalty.
- 22.0111 Severability.
- 22.0112 Retail Licenses.

22.011 Discharge of Firearms.

It shall be unlawful for any person to fire, shoot or discharge any rifle or pistol, or to discharge a slug from a shotgun which slug has a maximum diameter greater than one-half of the bore of said shotgun within the boundaries described in subsections (a) to (h), inclusive, of this section; and for any person to fire, shoot or discharge any shotgun within the boundaries described in subsection (i) of this section; and for any person to fire, shoot or discharge any rifle or pistol or discharge a slug from a shotgun which slug has a maximum diameter greater than one-half the bore of said shotgun within the boundaries described in subsection (j) of this section.

(a) SAN BERNARDINO VALLEY AREA. All that territory included within the exterior boundaries described as follows: Beginning at the intersection of the north line of Section 24, Township 1 North, Range 8 West, S.B.B.&M., with westerly boundary line of the County of San Bernardino; thence easterly, northerly and southerly, following the south boundary of San Bernardino National Forest along its various continuous courses to the northeast corner of Section 36, Township 1 South, Range 1 West, S.B.B.&M.; thence south along section lines to an intersection with the south boundary line of the County of San Bernardino; thence west, north, west and south following the boundary line between San Bernardino and Riverside Counties, to an intersection with the boundary line between San Bernardino and Orange Counties; thence northwest along the boundary line between San Bernardino and Orange Counties to an intersection with the boundary line between San Bernardino and Los Angeles Counties; thence northwesterly, northeasterly, east and northeasterly following said County boundary line to an intersection with the north line of Section 24, Township 1 North, Range 8 West, S.B.B.&M.; being the point of beginning.

FIREARMS

(b) CAMP BALDY AREA. All that territory included within the exterior boundaries described as follows: Beginning at the intersection of the north line of Section 24, Township 1 North, Range 8 West, S.B.B.&M., with the boundary line between San Bernardino and Los Angeles Counties; thence northerly along said County boundary line a distance of 9.0 miles, more or less, to the triangulation station on San Antonio Mountain (Old Baldy Peak) in Section 6, Township 2 North, Range 7 West, S.B.B.&M., being also a point on the westerly boundary line of San Bernardino National Forest; thence easterly along Forest Trail 7W04 to the Boundary of the San Bernardino National Forest; thence southeasterly, westerly and southwesterly along the boundary line of said San Bernardino National Forest through Telegraph Peak, Timber Mountain, Bighorn Peak, and Ontario Peak to the intersection of the West Cucamonga Truck Trail (Forest Road 2N04); thence easterly along said Truck Trail to the south boundary line of San Bernardino National Forest adjacent to section corner common to Sections 8, 9, 16, and 17, Township 1 North, Range 7 West, S.B.B.&M.; thence south and west along said south boundary of San Bernardino National Forest to an intersection with the north line of Section 24, Township 1 North, Range 8 West, S.B.B.&M.; being the point of beginning.

(c) WRIGHTWOOD AREA. All that territory included within the exterior boundaries described as follows: Beginning on the intersection of the San Bernardino and Los Angeles County boundary line with the north line of Section 31, Township 4 North, Range 7 West, which point is also on the north boundary of the San Bernardino National Forest; thence east and south along the various courses of the National Forest boundary to its intersection with State Highway 2; thence southwest along Highway 2 to its intersection with the north-south centerline of Section 3, Township 3 North, Range 7 West; thence southerly to the ridge dividing the Mojave River Basin from the Santa Ana River Basin; thence southwesterly and northwesterly along the ridge to the San Bernardino County and Los Angeles County line; thence northerly along the County line to the north line of Section 31, Township 4 North, Range 7 West, being the point of beginning.

(d) LYTLE CREEK ~ WEST CAJON VALLEY AREA. All that territory included within the exterior boundaries described as follows: Beginning at the southeast corner of Section 26, Township 2 North, Range 6 West; thence west along section lines to the southwest corner of Section 27, same Township and Range; thence north along section lines to the southeast corner of Section 16, same Township and Range; thence west along the section line of Section 16 to the southwest corner thereof; thence north along the west line of said Section 16, to the west one-quarter corner of Section 9, same Township and Range; thence easterly to the east one-quarter corner of Section 10, same Township and Range; thence southerly to the southeast corner of Section 10, same Township and Range; thence easterly to the Applewhite Road (Forest Road 2N53); thence northerly to the intersection of the Swartout Canyon Road (Forest Road 3N28) and Forest Road 3N77Y; thence northerly to Forest Road 3N47; thence northwesterly to the junction of Forest Road 4N05 with Forest Road 3N47, which point is also on the north line of Section 34, Township 3 North, Range 6 West; thence westerly to the Lone Pine Canyon Road (Forest Road 3N25); thence southwesterly along the north side of the road to the ridge between Lone Pine Canyon and West Cajon Valley; thence northwesterly along the ridge to its intersection with the west line of Section 29, same Township and Range; thence northerly to the northeast corner of Section 18, same Township and Range; thence westerly to the southwest corner of Section 12, Township 3 North, Range 7 West; thence northerly to the northwest corner of Section 1, same Township and Range, said point also being on the northern boundary of the San Bernardino National Forest; thence easterly along said boundary to the northeast corner of Section 6, Township 3 North, Range 6 West; thence southerly, leaving said boundary to the southeast corner of said Section 6; thence easterly to the north one-quarter corner of Section 9, same Township and Range; thence southerly to the center of Section 21, same Township

FIREARMS

and Range; thence easterly to the east edge of the right of way for the northbound lanes of Interstate 15 freeway; thence southerly along said right-of-way line to the east-west centerline of Section 13, Township 2 North, Range 6 West; thence westerly to the west line of said Section 13; thence southerly to a point one-quarter mile north of Lytle Creek Road; thence southeasterly along a line parallel to and one-quarter mile northeasterly of said Lytle Creek Road a distance of 4.0 miles, more or less, to an intersection with the south boundary line of San Bernardino National Forest; thence westerly following the southerly boundary line of said San Bernardino National Forest along its various courses to a point one-quarter mile west of the Poleline Road (Forest Road 2N57); thence northerly paralleling said road at a distance one-quarter mile till reaching the southeast corner of Section 26, Township 2 North, Range 6 West; being the point of beginning.

(e) CRESTLINE - LAKE ARROWHEAD - GREEN VALLEY AREA. All that territory included within the exterior boundaries described as follows: Beginning at the intersection of Bailey Canyon with the southerly boundary line of San Bernardino National Forest at or near the southeast corner of Section 36, Township 2 North, Range 5 West, S.B.B.&M.; thence northerly along Bailey Canyon a distance of 1.0 mile, more or less, to an intersection with the Bailey Canyon Truck Trail; thence northerly up Bailey Canyon Truck Trail to junction with the Powell Canyon Road (Forest Road 2N1 6Y); thence northerly along said road to Cleghorn Pass; thence northerly to the ridge between Horsethief Canyon and the West Fork of the Mojave River; thence northeasterly to the northerly boundary of the San Bernardino National Forest, said point being on the north line of Section 36, Township 3 North, Range 5 West; thence easterly along said boundary to a point one-quarter mile west of the northeast corner of Section 34, Township 3 North, Range 4 West; thence southerly to ridge between the Mojave River and an unnamed canyon; thence southeasterly and southerly along said ridge top to its intersection with the Pilot Rock Truck Trail (Forest Road 2N33); thence easterly along said road to its intersection with Toll Road, State Highway 2 in Section 5, Township 2 North, Range 3 West; thence easterly along Highway 2 to junction of road of west line Section 3, Township 2 North, Range 3 West; thence southeasterly along road and Jeep Trail to junction of Squints Ranch Road and North Shore Campground Road in Section 10, Township 2 North, Range 3 West; thence along North Shore Campground Road to a point approximately in the center of Section 11, same Township; thence easterly approximately .5 miles to junction with Rouse Ranch Road; thence easterly along Rouse Ranch Road to junction with Squints Ranch Road, approximately on the east line of Section 12, Township 2 North, Range 3 West; thence southeasterly along road to Little Bear Creek; thence down Little Bear Creek to junction with Deep Creek; thence southerly up Deep Creek to mouth of Green Valley Creek; thence easterly up Green Valley Creek to approximately the corner common to Sections 21, 22, 27, 28, Township 2 North, Range 2 West; thence north along section line to the corner common to Sections 15, 16, 21, 22, same Township; thence east along section line to the top of Crafts Peak in Section 18, Township 2 North, Range 1 West; thence south to junction with State Highway 18; thence south along Highway 18 to Lakeview Point; thence following the edge of the rim west of Bear Creek to Slide Peak, Keller Peak, Mill Peak and Seymour Flat; thence down to a ridge just east of Fredalba Creek in Section 8, Township 1 North, Range 2 West, to the end of a road in Section 7, same Township; thence southerly along road to junction of Plunge Creek Truck Trail; thence southwesterly along said road to its intersection with the north line of Section 24, Township 1 North, Range 3 West; thence westerly to the northwest corner of Section 23, same Township and Range; thence southwesterly, parallel to and one-half mile east of State Highway 30, to the southern boundary of the San Bernardino National Forest; thence westerly and northwesterly to Bailey Canyon; the point of beginning.

FIREARMS

EXCEPTING THEREFROM, the following: Beginning at a point on the East Fork of City Creek in the northwest portion of Section 1 I, Township 1 North, Range 3 West; thence westerly to a junction with the West Fork of City Creek in north half of Section 10; thence northwesterly up a ridge to its junction with the west City Creek Road near the northeast corner of Section 9; thence southerly up a ridge of a point on top of the main ridge near the center of Section 9; thence northwesterly along the ridge to a junction with the Dailey Canyon Road near the southwest corner of Section 4; thence northwesterly along the Dailey Canyon Road to a junction with the Strawberry Creek Road near the center of Section 5; thence westerly along the Strawberry Creek Road to a junction with a ridge one-quarter mile west of Strawberry Creek in the southwest one-quarter of Section 6; thence north up the ridge through the west one-half of Section 6, same Township and Section 31, Township 2 North, Range 3 West, to a knob in the northwest one-quarter of Section 31; thence east through Sections 32, 33, 34, and 35, same Township to the East Fork of City Creek near the east line of Section 35; thence southerly down the East Fork of City Creek crossing the Township line between Sections 35 and 2; thence continuing southerly through Sections 2 and 11 to point of beginning in the northwest one-quarter of Section 11.

(f) BARTON FLATS - CAMP ANGELUS - FOREST HOME AREA. All that territory included within the exterior boundaries described as follows: Beginning at the intersection of Staircase Canyon and Radford front-line road near the center of Section 9, Township 1 North, Range 1 East, S.B.B.&M.; thence east along Radford Road through Sections 10, 11, and 13, same Township to west corner Section 18, Township 1 North, Range 2 East; thence southeast to southeast corner of same section; thence east to northeast corner Section 21, same Township; thence south to the southeast corner of Section 28, same Township; thence west along section line to Fish Creek and Wilderness boundary intersections; thence westerly along Wilderness boundary through Sections 28, 29, 20 and 19, same Township; thence westerly along Wilderness boundary through Sections 24 and 23 to South Fork of Santa Ana, Township 1 North, Range 1 East; thence south along South Fork to southeast corner Section 26; thence southeast looping the South Fork Meadows camping area near the west one-quarter corner of Section 36; thence northwest one-eighth mile west of the South Fork Trail through Section 35 to the northwest corner Section 26, same Township; thence westerly along Wilderness boundary through Sections 22, 21, and 20, to southwest corner of Section 19, Township 1 North, Range 1 East, and junction of Forsee Creek; thence northerly down Forsee Creek to junction with Barton Flats Highway; thence west on Barton Flats highway to intersection with Cold Creek; thence southerly up Cold Creek to junction with Wilderness boundary; thence southwest along Wilderness boundary through Section 27, Township 1 North, Range 1 West, to section line between Sections 27 and 34; thence southerly through the center of Section 34, same Township; thence southerly to the southeast corner of Section 3, Township 1 West, Range 1 West; thence easterly to the approximate center of Section 12, same Township and the junction of Oak Cove Creek; thence northeasterly up Oak Cove Creek to the northeast corner of Section 12 and the Wilderness boundary; thence easterly along the Wilderness boundary to the approximate center of Section 16, Township 1 South, Range 1 East, to junction with Vivian Creek; thence southerly to Camp Creek to the top of Little San Gorgonio Peak; thence westerly approximately 5 miles along Yucaipa ridge to junction of ridge with Yucaipa ridge road in Section 15, Township 1 South, Range 1 West; thence along road to ridge approximately at or near the one-quarter section corner between Sections 8 and 17, Township 1 South, Range 1 West; thence northerly down ridge to a point on Highway 38 on the section line between Sections 7 and 8, same Township, west of Thurman Flat; thence northeasterly up a ridge to approximately the southeast corner of Section 32, Township 1 North, Range 1 West; thence northerly through Section 32 to Constance Peak in the southwest corner of Section 28, same Township; thence northeasterly to

FIREARMS

the approximate one-quarter corner between Sections 21 and 28; thence northeasterly to the approximate one-quarter corner between Sections 21 and 22; thence northeasterly to the northeast corner of Section 22; thence northeasterly through Section 14 to a junction with the Santa Ana River and intersection of Clarks Ranch Road and Seven Oaks Road; thence northerly to the one-quarter corner between Sections 11 and 14, same Township; thence east to the southeast corner of Section 11; thence northeasterly through Section 12, same Township and Section 7, Township 1 North, Range 1 East, to a junction with Hamilton Creek along the north section line of Section 7; thence up Hamilton Creek approximately one-half mile; thence northeasterly to a junction with the Radford Road and Seven Oaks trailhead in Section 5, same Township; thence easterly one-quarter mile; thence southeasterly to the southeast corner of Section 5; thence south along the section line to a junction with the Radford frontline road; thence easterly along the Radford frontline road to its junction with Staircase Canyon, and point of beginning.

(g) BIG BEAR AREA. All that territory included within the exterior boundaries described as follows: Beginning at the junction of State Highways 18 and 38 at the dam on Big Bear Lake; thence northerly up a ridge to Grays Peak; thence northeasterly to the southwest corner of Section 11, Township 2 North, Range 1 West; thence northerly to Forest Road 2N68Y; thence westerly along said road to its intersection with the road around the west end of Fawnskin Valley (Forest Road 2N13.2); thence northwesterly, northeasterly and southeasterly around the westernmost boundary of the Hanna Flat Campground and one-quarter mile distant therefrom; thence easterly to Little Bear Peak; thence easterly to Delomar Mountain; thence southeasterly and easterly along the ridge between Big Bear Lake and Holcomb Valley to Van Dusen Canyon; thence northeasterly up a ridge to the top of Gold Mountain; thence continuing northeasterly to the northeast corner of Section 36, Township 3 North, Range 1 East; thence southeasterly along Nelson Ridge between Baldwin Lake and Arrastre Creek through said Section 1S and through Section 22, Township 2 North, Range 2 East, to the highest point in the southeast quarter of said Section 22 (Elevation Marker 7387); thence easterly along a ridge to Arrastre Creek; thence southerly up said Arrastre Creek to Baldy Horse Creek; thence southerly up Baldy Horse Creek to an intersection with the south fence line of State Highway 38; thence westerly along said fence line through Sections 34, 27, 28, 29, and 30, Township 2 North, Range 2 East, S.B.B.&M., to the top of the ridge lying between Green Canyon and the Greenspot Road; thence southwesterly up the ridge to its intersection with the north line of Section 31, Township 2 North, Range 2 East; thence westerly to San Canyon Road (Forest Road 2N05); thence southwesterly up a ridge to the ridge between Big Bear Valley and the Santa Ana River; thence westerly along said ridge, through Clarks Summit; thence westerly through the center of Section 34; thence northerly to the point of beginning.

(h) DESERT AREA. Beginning at the southeast corner of Section 33, Township 1 South, Range 7 East, said southeast corner being also on the County boundary between San Bernardino and Riverside Counties; thence north along section lines and their prolongation, through Township 1 North, Range 7 East, to the northeast corner of Section 21, Township 2 North, Range 7 East; thence west along section lines to an intersection with Joshua Tree Road; thence northerly along said Joshua Tree Road to the north line of Section 31, Township 3 North, Range 7 East; thence west along section lines to the northwest corner of Section 36, Township 3 North, Range 6 East; thence north along section lines to the northeast corner of Section 23 of said Township and Range; thence west along section lines to the southeast corner of Section 16 of said Township and Range; thence north along section lines to the northeast corner of Section 21, Township 4 North, Range 6 East; thence west to the northwest corner of Section 19 of said Township and Range; thence north along the range line between Range 5 East and Range 6 East to the northeast corner of Township 5 North,

FIREARMS

Range 5 East; thence west along the north line of said Township 5 North, Range 5 East, to an intersection with the range line between Range 4 East and Range 5 East; thence north along said Range line to the northeast corner of Township 7 North, Range 4 East; thence west along Township lines to the center line of Barstow Road; thence northerly along said center line of Barstow Road to the center line of Townsend Street; thence westerly along said center line of Townsend Street to the center line of Interstate 15; thence southwesterly along said center line of Interstate 15 to the south line of Township 8 North, Range 4 West; thence west along said south line to the southwest corner of said Township 8 North, Range 4 West; thence north along the range line between Range 3 West and Range 4 West, to the south right-of-way line of U.S. Highway 466; thence westerly along said right-of-way line, following its various courses, to an intersection with the County boundary between San Bernardino and Kern Counties; thence southerly along said County boundary, following its various courses to an intersection with the County boundary between San Bernardino and Los Angeles Counties; thence continuing southerly along said County boundary to an intersection with the north line of Section 31, Township 4 North, Range 7 West, said point being on the north boundary of the San Bernardino National Forest; thence easterly along said San Bernardino National Forest boundary, following all of its various courses to the northwest corner of Section 22, Township 3 North, Range 2 East; thence easterly along section lines to the northeast corner of Section 22, Township 3 North, Range 3 East; thence south along the east line of said Section 22 to the northwest corner of Section 24; thence east along the north line of Sections 24 and 25 to the northeast corner of Section 25; thence south along the east line of Sections 25 and 36 to the northwest corner of Section 6, Township 2 North, Range 4 East; thence east along the north line of Sections 6 and 5 to the northeast corner of said Section 5; thence south along section lines to the northwest corner of Section 16, Township 1 North, Range 4 East; thence east along the north line or said Section 16 to the northeast corner of said Section 16; thence south along section lines to the southeast corner of Section 33, said Township 1 North, Range 4 East; thence west along section lines to the range line between Ranges 3 and 4 East; thence south along said range line to the southwest corner of Section 31, Township 1 South, Range 4 East, said point being also in the boundary between San Bernardino and Riverside Counties; then easterly along said County boundary to the southeast corner of aforesaid Section 33, Township 1 South, Range 7 East, being the point of beginning.

(i) BIG BEAR LAKE AREA.

Parcel 1. All that portion of Township 2 North. Ranges 1 West and 1 East San Bernardino Meridian bounded as follows: On the north by State Highway 38; on the east by the west line of Township 2 North. Range 2 East (near Greenspot Boulevard); on the south by State Highway 18; and on the west by the junction of said State Highways 18 and 38 at Big Bear Dam.

Parcel 2. All that portion of Section 18. Township 2 North. Range 2 East, San Bernardino Meridian, lying parallel with and 1,000 feet easterly of Big Bear Boulevard and its southerly prolongation to the south line of said Section 18.

Parcel 3. All of Section 20, Township 2 North. Range 2 East. San Bernardino Meridian.

(j) The remainder of all the land within the boundaries of the San Bernardino National Forest not described in (a) through (i) of this section, except in those areas designated by the United States Forest Service and except for the lawful taking of birds and mammals.

Adopted Ordinance 699 & 792 (1952); Amended Ordinance 1015 (1962); Amended Ordinance 1247 (1965); Amended Ordinance 1443 (1968); Amended Ordinance 2198 (1977); Amended 2499 (1980); Amended Ordinance 3187 (1987);

22.012 Shotguns and Rifles in Restricted Areas.

It shall be unlawful for any person to have in his possession or under his control a rifle with a shell in the chamber or magazine or a shotgun with a slug in the chamber or magazine within the areas described in subsections (a) to (h) inclusive of Section 22.011 of this chapter, and for any person to have in his possession or under his control a shotgun with a shell in the chamber or magazine within the area described in subsection (i) of Section 22.011 of this chapter.

Adopted Ordinance 1015 (1962)

22.013 Exemptions.

The provisions of this chapter shall not apply to any peace officer in the regular discharge of his duties; nor to any officers or employees of the County of San Bernardino acting in their official capacity or within the scope of their employment upon County property in compliance with all applicable laws, rules and regulations governing the use of firearms and with the approval of the Board of Supervisors of the County of San Bernardino; nor to persons engaged in the protection of crops or livestock; nor to any contest conducted by and under the supervision of a bona fide rifle or pistol organization at a public shooting gallery or rifle and pistol range; nor to discharge of bow and arrows at any archery course or rifles or pistols at any rifle or pistol range, provided that the location and construction of such public gallery or such rifle and pistol range or archery course must first be approved by the Board of Supervisors of the County of San Bernardino, State of California, and provided further that approval of any such public shooting gallery or rifle and pistol range or archery course may be canceled by said Board whenever in its judgment public safety or welfare may require such cancellation; nor shall the provisions of this chapter apply to any person in the due protection of life or property.

Adopted Ordinance 1451 (1968); Amended Ordinance 2068 (1976); Amended Ordinance 2499 (1980); Amended Ordinance 3187 (1987);

22.014 Prohibition of Night Shooting.

It shall be unlawful to shoot or discharge any firearms between one-half hour after sunset and one-half hour before sunrise of the following day in all areas of San Bernardino County described in Section 22.011 (a) through (j).

Adopted Ordinance 2499 (1980)

22.015 Prohibited Areas.

Except as otherwise provided by statute of the State of California, it shall be unlawful for any person to discharge a firearm or shoot or discharge a bow and arrow in the unincorporated area of San Bernardino County within 150 yards of any train, aircraft or domestic livestock, or within 150 yards of any building without having in his possession the written permission of the owner or tenant thereof, or within 150 yards of any tent, motor home, house trailer, or other temporary encampment of persons without the permission of the occupants thereof, without having in his immediate possession the written permission of the occupants or tenants thereof.

Adopted Ordinance 117 (1906) (Amended Ordinance 2499 (1980);

FIREARMS

22.016 Purchase of Firearms.

No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years, a revolver or pistol of any description, shotgun, or rifle, which may be used for the explosion of cartridges, or any airgun, "B-B" gun, gas-operated gun or spring gun, or any knife or knives having the appearance of a pocketknife, the blade or blades of which can be opened by a flick of a button, pressure of the handle or other mechanical devices; or any instrument, toy or weapon commonly known as a "sling shot," or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name. Any such weapon possessed in violation of this chapter may be confiscated by any peace officer.

Adopted Ordinances 914 (1960);

22.017 Prohibiting Firearms - Possession by Minors.

No person under the age of eighteen years shall have in his possession, care, custody or control, any of the articles mentioned in Section 22.016 of this chapter except within his own domicile or except when accompanied by and under the immediate supervision of a parent, guardian, or responsible adult, This section shall not apply to any person possessing a valid California hunting license.

Adopted Ordinances 914 and 920 (1960);

22.018 Disposition of Confiscated Firearms.

Every peace officer taking a weapon used in violation of this chapter, shall deliver the same to the Sheriff to be held by him until the final determination of the prosecution for said offense; and upon the finding of guilt it shall then be the duty of the Sheriff on a first offense to return the weapon to the owner and on a second offense the Sheriff is authorized to confiscate and destroy it.

Adopted Ordinance 914 (1960)

22.019 Throwing of Missiles.

It is unlawful for any person to throw a snowball, ice or any missile or object whatsoever, at or into an automobile or other vehicle at any time when such vehicle is in motion, or when such vehicle is occupied by one or more persons.

Adopted Ordinance 309 (1928)

22.0110 Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500) or by imprisonment in the County Jail, not exceeding six (6) months, or by both such fine and imprisonment.

Adopted Ordinance 914 (1960)

FIREARMS

22.0111 Severability.

The Board of Supervisors hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions thereof be declared invalid or unconstitutional. If for any reason any portion of this chapter shall be declared invalid or unconstitutional, then all other provisions thereof shall remain valid and enforceable.

Adopted Ordinance 2198 (1977).

22.0112 Retail License.

The Sheriff of San Bernardino County shall be the licensing authority for the unincorporated area of San Bernardino County responsible for accepting applications and granting licenses under the provisions of California Penal Code, Section 12071. The Sheriff shall collect an annual license fee of fifty dollars (\$50) for each license issued pursuant to Penal Code, Section 12071. License fees collected under this section shall be deposited in the County General Fund.

Adopted Ordinance 2655 (1982)

DIVISION 3. FIRE PROTECTION AND EXPLOSIVES AND HAZARDOUS MATERIALS

Chapters:

1. **Uniform Fire Code**
2. **Fire Regulations**
3. **Abatement of Fire Hazards and Hazardous Trees**
4. **Authority and Administration for Hazardous Materials**
5. **Public Nuisance Abatement for Hazardous Materials**
6. **Permits, Inspections and Hearing Procedures for Hazardous Materials**
7. **CUPA Permit Elements for Hazardous Materials**

Chapter 1

UNIFORM FIRE CODE

Sections:

- 23.011 Findings and Adoption of the Uniform Fire Code.
- 23.012 Storage of Flammable and Combustible Liquids.
- 23.013 Bulk Storage of Liquefied Petroleum Gases.
- 23.014 Storage of Explosives and Blasting Agents.
- 23.015 Amendments to the Uniform Fire Code.
- 23.016 Penalty.
- 23.017 Fees.
- 23.018 Validity Clause.

23.011 Findings and Adoption of the Uniform Fire Code.

(a) FINDINGS. The Board of Supervisors of the County of San Bernardino hereby finds as follows:

(1) That the Western Fire Chiefs Association and the International Conference of Building Officials are private organizations which have been in existence for a period of at least three (3) years.

(2) That the Uniform Fire Code, 1988 Edition, and Uniform Fire Code Standards adopted by said organizations, are nationally recognized compilations of proposed rules, regulations, and standards of said organizations.

(3) That said Uniform Fire Code and Uniform Fire Code Standards have been printed and published as a code in book form within the meaning of Section 50022.2 *et seq.*, of the California Government Code.

(4) That one (1) copy of the Uniform Fire Code and Uniform Fire Code Standards, certified by the Clerk of the Board of Supervisors to be a true copy, has been filed for use and examination by the public in the office of the Clerk of the Board of Supervisors prior to the adoption of this Chapter.

(5) The sections of said Uniform Fire Code and Uniform Fire Code Standards may be referred to by the number used in said published compilation preceded by the words "Uniform Fire Code Section" or "Fire Code Section" and may also be referred to by additional reference to the San Bernardino County Code and sections therein pertaining to said Uniform Fire Code and Uniform Fire Code Standards.

UNIFORM FIRE CODE

(6) That the additional requirements and standards established herein are needed to properly protect the health, safety, and welfare of the existing and future residents and workers of San Bernardino County.

(b) **ADOPTION OF UNIFORM FIRE CODE.** The Board of Supervisors of the County of San Bernardino hereby adopts the 1988 Edition of the Uniform Fire Code, Uniform Fire Code Part VIII, Appendices; Division I, Appendices I-B, I-C; Division II, Appendices II-A, II-B, II-C, II-D; Division III, Appendices III-C, III-D; Division IV, Appendix IV-A; Division VI, Appendix VI-D; and the Uniform Fire Code Standards, as compiled and adopted by the Western Fire Chiefs Association and International Conference of Building Officials. The provisions of this Uniform Fire Code, Fire Code Appendices and Uniform Fire Code Standards shall apply to all the unincorporated areas of San Bernardino County.

Adopted Ordinance 1549 (1970); Amended Ordinance 2011 (1975); Amended Ordinance 2196 (1980); Amended Ordinance 2816 (1983); Amended Ordinance 3055 (1986); Amended Ordinance 3381 (1990);

23.012 Storage of Flammable and Combustible Liquids.

(a) Pursuant to Sections 79.501 and 79.1001 of the Uniform Fire Code, the storage of flammable and combustible liquids in outside above-ground tanks is prohibited in all commercial occupancy areas, developed residential areas, and other areas where the Fire Chief having jurisdiction determines that the installation of flammable and combustible above-ground storage tanks will create a hazard to occupants and property owners in the area. Deviation from these requirements may be allowed only upon specific written findings by the Chief.

(b) Pursuant to Section 79.1400 of the Uniform Fire Code, new bulk plants for flammable and combustible liquids shall be prohibited in all commercial districts, closely built commercial areas and heavily populated areas. The Fire Chief having jurisdiction shall be the final determining authority.

Adopted Ordinance 1549 (1970); Amended Ordinance 2011 (1975); Amended Ordinance 2196 (1980); Amended Ordinance 2816 (1983); Amended Ordinance 3055 (1986); Amended Ordinance 3381 (1990);

23.013 Bulk Storage of Liquefied Petroleum Gases.

Pursuant to Section 82.104 of the Uniform Fire Code, the aggregate capacity of any one installation for the bulk storage of liquefied petroleum gases shall not exceed two thousand (2,000) water gallons in residential areas. In nonresidential areas, when, in the opinion of the Fire Chief having jurisdiction, the location of bulk storage of liquid petroleum gases would create a threat to the occupants and property owners, the aggregate storage capacity of liquefied petroleum gas shall also be limited to two thousand (2,000) water gallons. The Fire Chief shall be guided by Section 87.1335 of the San Bernardino County Development Code when permitting the storage of liquefied petroleum gas in excess of two thousand (2,000) water gallons at any one installation.

Adopted Ordinance 1549 (1970); Amended Ordinance 1678 (1971); Amended Ordinance 2011 (1975); Amended Ordinance 2196 (1980); Amended Ordinance 2816 (1983); Amended Ordinance 3055 (1986); Amended Ordinance 3381 (1990);

23.014 Storage of Explosives and Blasting Agents.

Pursuant to Section 77.106(b) of the Uniform Fire Code, the storage of explosives and blasting agents is prohibited in principal business districts, closely built commercial areas and heavily populated areas. The determination of the Fire Chief having jurisdiction shall be final.

Adopted Ordinance 1549 (1970); Amended Ordinance 2011 (1975); Amended Ordinance 2196 (1980); Amended Ordinance 2816 (1983); Amended Ordinance 3055 (1986); Amended Ordinance 3381 (1990);

23.015 Amendments to the Uniform Fire Code.

(a) Section 2.101 of the Uniform Fire Code is hereby amended to read as follows:

Sec. 2.101 Responsibility for Enforcement.

a. The Chief, as defined in Section 23.015(g), shall be responsible for the administration and enforcement of this Code. Under his or her direction, the fire department shall have the authority to enforce all ordinances of the jurisdiction and the laws of the State pertaining to:

1. The prevention of fires.
2. The suppression or extinguishing of dangerous or hazardous fires.
3. The storage, use and handling of explosive, flammable, combustible, toxic, corrosive and other hazardous gaseous, solid and liquid materials.
4. The installation and maintenance of automatic, manual, and other private fire alarm systems and fire extinguishing equipment.
5. The maintenance and regulation of fire escapes.
6. The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures, and other property, including those under construction.
7. The maintenance of exits.
8. The investigation of the cause, origin, and circumstances of fire.

b. The Chief and his or her designees and the following persons are hereby authorized to interpret and enforce the provisions of this Code (except as provided in Section 2.303) and to make arrests and issue citations as authorized by law.

1. The State Forest Ranger and peace officers of the California Department of Forestry and Fire Protection;
2. United States Forest Service officers;
3. The San Bernardino County Sheriff and any Deputy Sheriff;
4. Officers of the California Highway Patrol;
5. Bureau of Land Management;
6. Bureau of Indian Affairs.

(b) Section 2.108 of the Uniform Fire Code is hereby amended to read as follows:

Sec. 2.108 Liability for Damages.

a. This Code shall not be construed to hold the public entity or any officer or employee liable for any damage to persons or property by reason of the inspection, reinspection or any failure to inspect or by reason of the approval or disapproval of any equipment or process, or for any action in connection with the control or extinguishment of any fire or in connection with any other official duties.

b. Fire suppression, investigation and rescue or emergency medical costs are recoverable in accordance with California Health and Safety Code Sections 13009 and 13009.1.

c. Any person who negligently or intentionally, or in violation of law, causes an emergency response, including but not limited to, a traffic accident or spill of toxic or flammable fluids or

UNIFORM FIRE CODE

chemicals, is liable for the costs of securing such emergency, including those costs set out in Health and Safety Code Section 13004.6, and as provided by Government Code Section 53150, *et seq.* Any expense incurred by the fire department for securing such an emergency situation shall constitute a debt of such person and shall be collectible by the public agency in the same manner as in the case of an obligation under contract, expressed or implied.

(c) Section 2.303 of the Uniform Fire Code is hereby amended to read as follows:

Sec. 2.303 Board of Appeals.

a. In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretations of the provisions of this Code, there shall be and hereby is created an Appeals Board, which shall be the San Bernardino County Planning Commission (the "Appeals Board").

b. Any person (including a Fire Department) desiring a review of interpretation or enforcement of this ordinance may file a request with the Clerk of the Board of Supervisors for a hearing before the Appeals Board, upon the form provided by the Appeals Board, within fifteen (15) days after the date such interpretation is rendered or enforcement begun. The effect of the interpretation or enforcement to be reviewed is suspended until the termination of the hearing.

c. Upon receipt of a request for hearing, the Chairman shall fix the time and place of the hearing which shall be at a meeting of the Appeals Board held not less than ten (10) nor more than thirty-(30) days after the date of filing of the request for hearing. The Board shall give written notice of the time and place of the hearing to the initiating party and the Fire Chief involved. Witnesses may be sworn and examined and evidence produced, and parties may be represented by counsel. The Board shall keep a record of the proceedings of each hearing. The Board shall issue written findings and a decision within fifteen (15) days of the conclusion of the hearing which shall be mailed to the parties first class mail, postage prepaid, at such addresses as they have provided.

d. Any decision of the Appeals Board may be appealed to the San Bernardino County Board of Supervisors. A request for such review shall be filed with the Clerk of the Board of Supervisors within fifteen (15) days from the date of mailing the written decision. The Board of Supervisors shall schedule a hearing at a regular meeting within thirty (30) days of receipt of the request for appeal and shall issue a written decision within fifteen (15) days of that hearing. All such decisions shall be final and shall be mailed to the parties first class mail, postage prepaid, at such addresses as they have provided.

e. The Fire Department involved (whether appellee or appellant) shall act as staff to the Board of Appeals or to the Board of Supervisors and for that purpose may determine and set fees to charge the appellant to cover the cost of preparation of the record for appeal. A summary of costs shall be compiled and sent to the appellant after all appeal rights have been exhausted. Any refund due to the appellant shall be returned within sixty (60) days of sending the summary.

(d) Subsection 2.31M(b) of the Uniform Fire Code is hereby amended by adding the following to the listing of recognized standards:

NATIONAL FIRE PROTECTION ASSOCIATION
Batterymarch Park, Quincy, MA 02269
NFPA National Fire Codes
Volumes 1 through 11 and Supplement, 1988 Edition.

UNIFORM FIRE CODE

(e) Section 4.108 of the Uniform Fire Code is hereby amended by adding the following to the end of Subsection 4.108f. 1: f. 1.1 Fixed hood and duct extinguishing systems. To install or maintain any such system, see Article 10.

(f) Section 9.105 of the Uniform Fire Code is hereby amended by amending the definition of "CHIEF OR CHIEF OF THE FIRE DEPARTMENT" to read as follows:

"CHIEF OR CHIEF OF THE FIRE DEPARTMENT," shall mean the Chief Officer of the Fire Department, as defined herein, serving the jurisdiction, or his or her authorized representative. The Chief may also be referred to as the "Fire Chief." Chief Officer for the National Forest Lands within the jurisdiction shall mean the Forest Supervisor in charge of the National Forest, or his or her authorized representative. Chief Officer of the Forestry and Fire Warden Department means the County Fire Warden or his or her designee. Chief Officer for the California Department of Forestry and Fire Protection shall mean the State Forest Ranger of the San Bernardino Ranger Unit, or his or her authorized representative. Chief Officer for the San Bernardino County Consolidated Fire Agency shall mean the Chief of the Consolidated Agency or his or her designee.

(g) Section 9.108 of the Uniform Fire Code is hereby amended by amending the definition of "FIRE DEPARTMENT" to read as follows:

FIRE DEPARTMENT is any regularly organized fire department, including a volunteer fire department of a public entity charged with providing fire protection and/or suppression to the jurisdiction, fire protection district (whether board- or self-governed), county service area or zone thereof with fire protection powers, the San Bernardino County Forestry and Fire Warden Department, the San Bernardino County Consolidated Fire Agency, the United States Forest Service and the California Department of Forestry and Fire Protection.

(h) Section 9.109 of the Uniform Fire Code is hereby amended by adding the following to the list of definitions:

GOVERNING BODY OR GOVERNING AUTHORITY as used herein shall be that body created by statute or administrative act to govern a fire department.

(i) Section 9.121 of the Uniform Fire Code is hereby amended by amending the following definitions to read as follows:

SERVICE STATION, AUTOMOTIVE, is that portion of property where flammable or combustible liquids or gases used as motor fuels are sold, stored, and dispensed from fixed equipment into tanks of motor vehicles and shall include the sale and service of tires, batteries, and accessories and minor automotive maintenance.

SERVICE STATION, MARINE, is that portion of property where flammable, combustible liquids or gases used as fuel for watercraft are sold, stored, and dispensed from fixed equipment on shore, piers, wharves, floats, or barges into fuel tanks of watercraft and shall include all other facilities used in connection therewith.

(j) Subsection 10.207(b) of the Uniform Fire Code is hereby amended to read as follows:

UNIFORM FIRE CODE

(b) Where Required. Fire apparatus access roads shall be required for every building hereafter constructed. The access roadway shall be extended to within one hundred fifty (150) feet of, and shall give reasonable access to, all portions of the exterior walls of the first story of any building. An access road shall be provided within fifty (50) feet of all buildings if natural grade between the access road and building is in excess of thirty percent (30%). Where the access roadway cannot geographically be provided, approved fire protection system or systems shall be provided as required and approved by the Chief. Access door(s) shall be provided at near ground level for firefighting purposes in accordance with the Building Code. There shall be at least one door not less than three (3) feet in width and not less than six (6) feet eight (8) inches in height in each one hundred (100) lineal feet or major fraction thereof of the exterior wall which faces the access roadway. Metal roll-up doors are not acceptable for such purposes unless approved by the Fire Chief.

(k) Subsection 10.207(j) of the Uniform Fire Code is hereby amended to read as follows:

(j) Grade. Road grades shall not exceed twelve percent (12%) unless approved by the Chief.

(l) Section 10.207(k) of the Uniform Fire Code is hereby amended to read as follows:

(k) Obstruction. Access roads, private roadways, and public roadways shall be provided and maintained in a passable condition at all times. Any obstruction or impedance to reasonable access may be repaired or removed forthwith by any public safety agency and the expense of repair or removal is to be borne by the owner of the roadway, or in the case of an obstructing vehicle or object, by the owner of said vehicle or object.

(m) Subsection 10.301(c) of the Uniform Fire Code is hereby amended to read as follows:

(c) Water Supply. An approved water supply capable of supplying required fire flow for fire protection shall be provided by the developer prior to the commencement of construction to all premises upon which buildings or portions of buildings are hereafter constructed unless the Chief authorizes mitigation measures in writing. When any portion of the building, other than a single family dwelling, is in excess of one hundred fifty (150) feet from a public fire hydrant connected to a water supply on a public street, there shall be provided by the developer, unless otherwise designated by the Chief in writing, on-site fire hydrants and mains capable of supplying the required fire flow.

Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying the required fire flow. In setting the requirements for fire flow, the Chief shall apply the San Bernardino County, "Guide for the determination of required fire flow." This guide shall be used to establish both a minimum and maximum flow for projects served by organized water companies or water districts.

In areas without service water companies, National Fire Protection Association Pamphlet 1231 shall be used to establish on-site storage capacities, with a minimum storage capacity of 5,000 gallons.

On-site residential water storage for fire protection may be reduced to an approved ten (10) minute sprinkler demand with the installation of an approved fire sprinkler system. Sprinkler systems shall be suitably freeze protected for climatic conditions. EXCEPTION: No water supply or fire sprinkler system is required for single family dwellings constructed on parcels of 5 acres or greater in improvement level areas 4 and 5. Also, when approved by the Chief, detached group M occupancies in improvement level areas 3, 4, and 5 may be excluded when structures are located 50 feet from the property lines and any dwellings.

The duration of flow required shall not exceed the following table which has been taken from the 1980 Insurance Services Office Fire Rating Schedule:

1. Calculated fire flows up to and including two thousand five hundred (2,500) gpm shall have two (2) hours of duration.

UNIFORM FIRE CODE

2. Calculated fire flows greater than two thousand five hundred (2,500) gpm and up to and including three thousand five hundred (3,500) gpm shall have three (3) hours of duration.

3. Calculated fire flows greater than three thousand five hundred (3,500) gpm shall have four (4) hours of duration.

These flows and duration are in addition to the needs required to provide domestic service.

The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided by the developer, unless otherwise designated in writing by the Chief, on the public street or on the site of the premises to be protected. All hydrants shall be accessible to the fire department apparatus by roadways meeting the requirements in Section 10.207.

(n) Subsection 10.302(a) of the Uniform Fire Code is hereby amended to read as follows:

(a) General. All sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire-protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire-protective or extinguishing systems coverage, spacing and specifications shall be maintained in accordance with recognized standards at all times. Such systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever any building so equipped is altered, remodeled or added to. All additions, repairs, alterations and servicing shall be in accordance with recognized standards.

(o) Subsection 10.303(d) of the Uniform Fire Code is hereby added as follows:

(d) Service. All portable fire extinguishers required by the Fire Department shall be serviced annually by the fire extinguisher service contractor licensed by the California State Fire Marshal's Office.

(p) Subsection 10.306(h) of the Uniform Fire Code is hereby amended to read as follows:

(h) Group R, Division I Occupancies. An automatic sprinkler system shall be installed throughout all new construction and additions of two or more stories in height or containing more than 15 dwelling units. Existing buildings shall be retrofitted throughout with automatic sprinklers when the new addition is 50% or greater of the original building square footage. Automatic sprinkler system installation shall be in accordance with the standard for installation of sprinkler systems, U.B.C. Standard 38-1, 1988. Residential or quick-response standard sprinkler heads shall be used in the dwelling unit and guest room portions of the building. Sprinkler systems shall be suitably freeze protected for climatic conditions.

(q) Section 11.111 of the Uniform Fire Code is hereby amended to read as follows:

Sec. 11.111 Chimney Spark Arresters.

(a) Each chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used shall be maintained with an approved spark arrester.

(b) An approved spark arrester shall mean a device constructed of stainless steel, aluminum, copper or brass, woven galvanized wire mesh, twelve (12) gauge minimum of three-eighths (3/8) inch minimum to one-half (1/2) inch maximum openings, mounted in or over all outside flue openings in a vertical and near vertical position, adequately supported to prevent movement and visible from the ground.

(r) Subsection 11.201(e) of the Uniform Fire Code is hereby added to read as follows:

(e) In the event that abatement is not performed as required in sub-sections (a) and (c) of this section, the executive body may instruct the Chief to give notice to the owner of the property upon which such condition exists to correct such prohibited condition, and if the owner fails to correct such

UNIFORM FIRE CODE

condition, the executive body may cause the same to be done and make the expense of such correction a lien upon the property upon which such condition exists.

(s) Section 14.107 of the Uniform Fire Code is hereby amended to read as follows:

Sec. 14.107 Automatic Telephone Dialing Devices.

Automatic telephone dialing devices to transmit an emergency alarm shall not be connected to the fire department emergency telephone number.

(t) Subsection 2S. 116(b)2.K. of the Uniform Fire Code is hereby amended to read as follows:

(b) 2.K. Candles held in persons' hands are especially dangerous and shall not be permitted. Battery-operated simulated candles are available and may be used. No permit is required for battery-operated candles or other electric candles.

(u) Section 25.117 of the Uniform Fire Code is hereby amended to read as follows:

Sec. 25.117. Standby Personnel. Whenever, in the opinion of the Chief, it is essential for public safety that fire department personnel be present in any place of public assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, then the owner, agent or lessee shall reimburse the fire department for one or more qualified persons, as required and approved by the Chief, to be on duty at such place. Said individuals shall be subject to the Chief's orders at all times when so employed and shall be in uniform and remain on duty during the times such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, such individuals shall inspect the required fire appliances provided to see that they are in proper place and in good working order, and shall keep diligent watch for fires during the time such place is open to the public or such activity is being conducted and take prompt measures for extinguishment of fires that may occur. Qualified persons shall also perform, as required, emergency medical care. Such individuals shall not be required or permitted, while on duty, to perform any other duties than those herein specified.

(v) Section 28.105 of the Uniform Fire Code is hereby amended to read as follows:

Sec. 28.105. Storage of Agricultural Products. It shall be unlawful to store hay, straw or other similar agricultural products adjacent to property lines, buildings or combustible materials unless a cleared horizontal distance equal to the height of the pile or twenty (20) feet, whichever is greater, is maintained between such storage and combustible material and buildings. A permit shall not be required for such storage.

(w) Subsection 51.1 10(b) of the Uniform Fire Code is hereby amended by deleting Table No. 51.110-E. Table No. 51.110-D shall be used in place of Table No. 51.110-E.

(x) Subsection 77.104(a) of the Uniform Fire Code is hereby amended to read as follows:

(a) Permits shall be obtained from the San Bernardino Sheriff's Department:

1. To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents or phosphoric compounds.
2. To transport explosives or blasting agents.
3. To use explosives or blasting agents.
4. To operate a terminal for handling explosives or blasting agents.
5. To deliver to or receive explosives or blasting agents from a carrier at a terminal between the hours of sunset and sunrise.
6. To transport blasting caps or electric blasting caps on the same vehicle with explosives.

See Section 4.108.

(y) Subsections 77.104(0 and (g) of the Uniform Fire Code are hereby added to read as follows:

UNIFORM FIRE CODE

(f) In addition to the requirements as set forth in this Article, the Sheriff's Department or the Fire Department may, for the safety and security of explosives and the public, set additional requirements for permit applicant.

(g) The Sheriff's Department shall notify the Fire Department when any application has been made for an explosives permit for a specific location and purpose. No permit shall be issued without the approval of the Fire Department.

(z) Subsection 77.106(e) of the Uniform Fire Code is hereby added to read as follows:

(e) For the purpose of this part, temporary storage shall mean no longer than four (4) hours or the end of the work day, whichever time is less.

(aa) Subsection 77.201(b) of the Uniform Fire Code is hereby amended to read as follows:

(b) Magazines shall at all times be in the custody of a person holding a valid explosives permit who shall be at least twenty-one (21) years of age and who shall be held responsible for compliance with all safety precautions.

(bb) Subsection 77.201(p) of the Uniform Fire Code is hereby amended to read as follows:

(p) When an explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerine leaks from any explosive, then the person in possession of such explosive shall immediately report the fact to the Chief and, upon his authorization, shall proceed to destroy such explosives and clean floors stained with nitroglycerin in accordance with the instructions of the manufacturer. Only experienced persons holding a valid explosives permit shall do the work of destroying explosives.

(cc) Subsection 77.202(a) of the Uniform Fire Code is hereby amended to read as follows:

(a) The Chief may authorize the storage of smokeless powder not to exceed one hundred (100) pounds, black sporting powder not to exceed five (5) pounds, and small arms primers not to exceed twenty thousand (20,000) on shelf for display and up to five hundred thousand (500,000) in approved Class II magazines in approved establishments. Smokeless powder exceeding twenty (20) pounds shall be stored in an approved Class 11 magazine. Black sporting powder, when authorized, shall be stored in an approved Class I1 magazine. Small arms primers shall be stored in a manner prescribed by the Chief.

(dd) Subsection 77.202(b) of the Uniform Fire Code is hereby amended to read as follows:

(b) The display of smokeless powder shall be only in original containers and shall not exceed twenty (20) pounds in one (1) pound containers. The display of black powder shall not exceed one (1) pound in a one (1) pound container.

(ee) Subsection 77.301(b) of the Uniform Fire Code is hereby amended to read as follows:

(b) The handling and firing of explosives shall be performed only by the person(s) possessing a valid explosives permit issued by the Sheriff's Department.

(ff) Subsection 77.301(n) of the Uniform Fire Code is hereby added to read as follows:

(n) The Fire Department shall be notified prior to detonation of any explosives.

(gg) Subsection 77.302(d) of the Uniform Fire Code is hereby amended to read as follows:

(d) Every vehicle when used for transporting explosives shall be equipped with not less than two approved-type fire extinguishers with a minimum rating of 2-A,10-B:C. Extinguishers shall be so located as to be readily available for use.

(hh) Subsection 77.303(e)5. of the Uniform Fire Code shall be amended to read as follows:

(e) 5. Explosives shall be kept locked inside approved vehicles to the greatest extent possible. During transferring or loading operations, the explosives should remain on the ground or on docks for as short a time as possible.

(ii) Subsection 77.304(d) of the Uniform Fire Code is hereby added to read as follows:

UNIFORM FIRE CODE

(d) When a semi-trailer is used for the temporary storage of blasting agents at a storage site, the trailer must:

1. Be fully licensed by the California Department of Motor Vehicles for the transportation of explosives.
2. The kingpin must be locked or the wheels removed.
3. Each door must be equipped with a lock and hasp that is protected with a cover to prevent tampering. The cover is to be made of one-quarter (1/4) inch steel or equivalent gage steel.
4. The hinges on each door must be secure to prevent tampering and access.
5. Temporary storage for this part means less than thirty (30) days.

(jj) Subsection 79.507(c)4.A. of the Uniform Fire Code is hereby amended to read as follows:

(c) 4.A. Where the average height of the dike containing Class I and Class II liquids is over twelve (12) feet measured from interior grade or where the distance between any tank and the top inside edge of the dike wall is less than the height of the dike wall, provisions shall be made for normal operation of valves and for access to tank roof(s) without entering below the top of the dike. These provisions may be met through the use of remote operated valves, elevated walkways or similar arrangements.

(kk) Subsection 79.507(c)6. of the Uniform Fire Code is hereby added to read as follows:

(c)6. The distance between the inside of any dike and the shell of any tank not over thirty (30) feet in diameter shall be not less than five (5) feet. For tanks over thirty (30) feet in diameter the distance shall be not less than ten (10) feet.

(ll) Section 79.601(d) of the Uniform Fire Code is hereby amended to read as follows:

(d) Leaking Tanks. Leaking tanks shall be emptied and removed from the ground, or abandoned in accordance with Fire Department and Environmental Health Services Policies.

(mm) Subsection 79.804(2) of the Uniform Fire Code is hereby amended to read as follows:

2. Electrical wiring and equipment located within use, dispensing and mixing rooms shall be approved for Class I, Division I hazardous locations in accordance with the National Electrical Code.

(nn) Subsection 79.907(a) of the Uniform Fire Code is hereby amended to read as follows:

Section 79.907. Drainage and Waste Disposal.

(a) Control and Connection to Sewer. Provisions shall be made in the area where Class I, II or II-A liquids may be spilled to prevent liquids from flowing into interior of service station buildings. Such provisions may be by grading driveway, raising door sills, or other equally effective means. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers.

(oo) Subsection 79.907(b) of the Uniform Fire Code is hereby amended to read as follows:

(b) Crankcase Drainings. Tanks installed for crankcase drainings shall be installed in accordance with the requirements for Class I liquid storage. In addition thereto, drainage lines terminating inside a building shall be equipped with a nonremovable-type cap (such as a hinged cap).

(pp) Subsection 79.907(e) of the Uniform Fire Code is hereby added to read as follows:

(c) Storage. Crankcase drainings and waste oil products may be stored in an above-ground tank as approved by the Chief. Drainings and used oils may also be stored outside a building in not more than three tight drums having an aggregate capacity not exceeding one hundred and eighty (180) gallons.

(qq) Subsection 79.1007(d) of the Uniform Fire Code is hereby amended to read as follows:

(d) Location. Tanks shall be kept outside and at least fifty (50) feet from any property line, building or combustible storage and shall be so located or such additional distance shall be provided as will ensure that any vehicle, equipment or container being filled directly from such tank shall be not less than fifty (50) feet from any structure, haystack or other combustible storage.

UNIFORM FIRE CODE

(rr) Subsection 79.1206(b) of the Uniform Fire Code is hereby amended to read as follows:

(b) Parking Off Thoroughfare. A tank vehicle shall not be left unattended within five hundred (500) feet of any residential area, apartment or hotel complex, educational, hospital or care facility at any time; or at any other place that would, in the opinion of the Chief, present an extreme life hazard. A tank vehicle shall not be parked at any one point for longer than one hour except:

1. Off a street, highway, avenue or alley.
2. Inside a bulk plant and twenty-five (25) feet from the property line or within a building approved for such use.
3. At other approved locations not less than fifty (50) feet from any building except those approved for the storage or servicing of such vehicle.
4. When, in case of breakdown or other emergency, the operator must leave the vehicle to take necessary action to correct the emergency.

(ss) Section 79.1400 of the Uniform Fire Code is hereby added to read as follows:

See. 79.1400. Restricted Locations. Bulk plants shall be prohibited within the limits of districts in which such plants are prohibited by law.

(tt) Section 80.109 of the Uniform Fire Code is hereby added to read as follows:

Sec. 80.109. Parking and Garaging.

(a) Parking on Thoroughfare. Any vehicle containing hazardous materials shall not be left unattended on any residential street nor in or within five hundred (500) feet of any residential area, apartment or hotel complex, educational, hospital or care facility at any time; or at any other place that would, in the opinion of the Chief, present an extreme life hazard. In locations other than those specified in Section 80.112(a), a driver shall not leave the vehicle unattended on any street, highway, avenue or alley.

EXCEPTIONS:

1. The necessary absence in connection with loading or unloading the vehicle; but during actual discharge from the vehicle, the provisions of Section 80.112(b) shall apply.
2. Stops for meals during the day or night, if the street is well lighted at the point of parking.
3. When, in case of breakdown or other emergency, the operator must leave the vehicle to take necessary action to correct the emergency.

(b) Parking Off Thoroughfare. Any vehicle containing hazardous materials shall not be left unattended within five hundred (500) feet of any residential area, apartment or motel complex, educational, hospital or care facility at any time; or at any other place that would, in the opinion of the Chief, present an extreme life hazard. Any vehicle containing hazardous materials shall not be parked at any one point for longer than one hour except:

1. Off a street, highway, avenue or alley;
2. Inside a bulk plant and twenty-five (25) feet from the property line or within a building approved for such use.
3. At other approved locations not less than fifty (50) feet from any building except those approved for the storage or servicing of such vehicle;
4. When, in case of breakdown or other emergency, the operator must leave the vehicle to take necessary action to correct the emergency.

(c) Garaging. Vehicles containing hazardous materials shall not be parked or garaged in any buildings other than those specifically approved for such use by the Chief.

(uu) Subsection 82.104(b) of the Uniform Fire Code is hereby amended to read as follows:

UNIFORM FIRE CODE

(b) Maximum Capacity Within Established Limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested commercial areas, the aggregate capacity of any one installation shall not exceed two thousand (2000) gallons water capacity, except that in particular installations this capacity limit may be altered with the approval of the Chief after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided and facilities of the local fire department. The storage of liquefied petroleum gas shall conform to the provisions of the local zoning ordinance or as identified in the Development Code, Section 87.1335, Fire Hazards.

(vv) Section 80.306 of the Uniform Fire Code is hereby amended to add the following exception to the end of Subsection 80.306(a)(1):

EXCEPTION: For retail display of nonflammable solid and nonflammable or noncombustible liquid Class 1, Class 2, Class 3 oxidizers, see Section 80.109.

(ww) Table No. 80.306-A of the Uniform Fire Code is hereby amended by adding the following exception to the end of Subsection 80.306(a)(2):

EXCEPTION: A maximum quantity of 200 pounds of solid or 20 gallons of Liquid Class 3 oxidizers may be permitted in Groups I, M, and R Occupancies when such materials are necessary for maintenance purposes or operation of equipment. The oxidizers shall be stored in approved containers and in a manner approved by the Chief.

(xx) Subsection 82.104(c) of the Uniform Fire Code is hereby amended to read as follows:

(c) Container Location. Containers shall be located with respect to buildings or line of adjoining property which may be built upon in accordance with the following table:

TABLE NO. 82.104

Container Capacity (U- S. Gallons)	Minimum Distance
Less than 100	5 feet
101 to 500	10 feet
501 to 1,200	25 feet
1,201 to 30,000	50 feet
30,001 to 60,000	75 feet
More than 60,000	100 feet

NOTE: With the approval of the Chief, containers may be located a lesser distance to buildings of not less than one-hour fire-resistive construction in accordance with the Building Code, provided the above distances applied to openings in buildings are maintained and the relief valves will not discharge in the direction of a means of egress or against the building.

(yy) Subsection 82.104(d) of the Uniform Fire Code is hereby amended to read as follows:

(d) Multiple container installations with a total storage capacity of more than one hundred eighty thousand (180,000) water gallons (150,000 gallons LP-gas capacity) shall be subdivided into groups containing not more than one hundred eighty thousand (180,000) water gallons in each group. Such groups shall be separated by a distance of not less than twenty-five (25) feet. Tanks shall be mounted in an approved manner, and (i) protected with approved insulation over the entire surface of all tanks, or (ii) protected by four (4) hour firewalls of approved construction, or (iii) protected by an approved system for application of water, or (iv) protected by other approved means.

UNIFORM FIRE CODE

(zz) Subsection 82.104(e) of the Uniform Fire Code is hereby added to read as follows:

(e) Liquefied petroleum gas containers and tanks shall be positioned in relation of one to another in such a manner so that the length axis of each tank is paralleled to other tanks.

(aaa) Section 85.104 of the Uniform Fire Code is hereby amended to read as follows:

It shall be unlawful to maintain any electrical wiring, appliance, apparatus, or device in violation of the Electrical Code. When any electrical hazards are identified, measures to abate such conditions shall be taken.

(bbb) Section 7 of Appendix II-A of the Uniform Fire Code is hereby amended to read as follows:

7. Spark Arresters Required.

(a) Each chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used shall be maintained with an approved spark arrester.

(b) An approved spark arrester shall mean a device constructed of stainless steel, copper or brass, woven galvanized wire mesh, twelve (12) gauge minimum with a three-eighths (5/8) inch minimum to one-half (1/2) inch maximum openings, mounted in or over all outside flue openings in a vertical or near vertical position, adequately supported to prevent movement and visible from the ground.

(ccc) Subsection 15(e) of Appendix II-A of the Uniform Fire Code is hereby added to read as follows:

15(e) In the event that the abatement is not performed as required in Subsection (a), (b), or (c), the executive body may instruct the Chief to give notice to the owner of the property upon which such condition exists to correct such prohibited condition, and if the owner fails to correct such condition, the executive body may cause the same to be done and make the expense of such correction a lien upon the property upon which such condition exists.

(ddd) Section 17 of Appendix I I-A of the Uniform Fire Code is hereby amended to read as follows:

17. Clearance of Brush or Vegetative Growth from Roadways.

(a) The Chief may require brush, vegetation, or debris to be removed and cleared within ten (10) feet on each side of every roadway and access drive, and may enter upon private property to do so. This section shall not apply to single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means for the ready transmission of fire. As used in this section, "roadway" means that portion of a highway or private street improved or ordinarily used for vehicular travel.

(b) If the Chief determines in any specific case that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Sections 15, 16, or 17 of this appendix undesirable or impractical, he or she may suspend enforcement thereof and require reasonable alternative measures designed to advance the purposes of this article.

(c) In the event that the abatement is not performed as required in Subsection (a) of this section, the executive body may instruct the Chief to give notice to the owner of the property upon which said condition exists to correct such prohibited condition, and if the owner fails to correct such condition the executive body may cause the same to be done and make the expense of such correction a lien upon the property upon which such condition exists.

(eee) Section 78.107 is hereby added to the Uniform Fire Code, to read:

Sec. 78.107. Dangerous Fireworks. There shall be a separate category of

"Dangerous Fireworks", as that term is defined in California Health and Safety Code Section 12505.

Adopted Ordinance 1549 (1970); Amended Ordinance 2011 (1975); Amended Ordinance 2196 (1980); Amended Ordinance 2816 (1983); Amended Ordinance 2856 (1984); Amended Ordinance 3055 (1986); Amended Ordinance 3381 (1990); Amended Ordinance 3978 (2006)

23.016 Penalty.

(a) Except as otherwise provided herein, all violations of this Chapter shall be deemed infractions.

(b) Violations of Article 3 shall be deemed misdemeanors.

(c) Violations of California Health and Safety Code Sections 12676, 12677 and 12680 pertaining to dangerous fireworks, as that term is defined in Section 78.107 of this Chapter, shall be deemed misdemeanors and be punishable in accordance with the provisions of California Health and Safety Code Section 12700.

(d) A fine may be levied for the actual costs incurred by the Fire Department or Sheriff's Department in the confiscation and safe disposal of fireworks seized under Section 78.106 of this Chapter.

(e) Each such person, firm or corporation shall be deemed guilty of a separate offense upon each day during any part of which any violation of any of the provisions of this Chapter is committed, continued, permitted or maintained by such person, firm or corporation. Such offenses shall be punishable as herein provided.

Adopted Ordinance 1549 (1970); Amended Ordinance 2196 (1980); Amended Ordinance 2816 (1983); Amended Ordinance 3055 (1986); Amended Ordinance 3381 (1990); Amended Ordinance 3978 (2006)

23.017 Fees.

Reasonable fees, not to exceed actual costs, may be collected by the Chief for fire protection planning and fire prevention services included in the Code and in this ordinance.

Adopted Ordinance 1549 (1970); Amended Ordinance 2196 (1980); Amended Ordinance 2816 (1983); Amended Ordinance 3055 (1986); Ordinance 3381 (1990);

23.018 Validity Clause.

If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors hereby declares that it would have adopted this Chapter, and each section, subsection, clause, sentence or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses, sentences or phrases be declared unconstitutional.

Adopted Ordinance 1549 (1970); Amended Ordinance 2011 (1975); Amended Ordinance 2196 (1980); Amended Ordinance 2816 (1983); Amended Ordinance 3055 (1986); Amended Ordinance 3381 (1990);

Chapter 2

FIRE REGULATIONS

Sections:

- 23.021 Setting Fires.
- 23.025 Smoke Detectors.

23.021 Setting Fires.

Every person who willfully and maliciously sets on fire or who causes to be set on fire any grass, timber, underbrush, brushland, woodland or native desert vegetation, is guilty of a misdemeanor and upon conviction thereof shall be punished by fine not exceeding five hundred dollars (\$500) or by imprisonment in the County Jail not exceeding six (6) months, or by both such fine and imprisonment.

(a) REWARD. The County of San Bernardino will pay a reward of not exceeding five hundred dollars (\$500) and not less than one hundred dollars (\$100) for information leading to the arrest and conviction of any person violating this section.

(b) ELIGIBILITY FOR REWARD. All officers and employees of the United States, the State of California, the County of San Bernardino, or of any incorporated city within the County, who are engaged in fire suppression or law enforcement activities are barred from receiving a reward under this section.

Adopted Ordinance 870 (1958);

23.025 Smoke Detectors.

A smoke detector, approved and listed by the State Fire Marshal, pursuant to California Health and Safety Code § 13114, shall be installed, in accordance with the manufacturer's instructions, in every existing single-family dwelling, manufactured home, and mobilehome intended for human occupancy.

(a) The owner of each single-family dwelling, manufactured home and mobilehome shall supply and install smoke detectors required by this ordinance in the locations and in the manner set forth in the manufacturer's instructions, as approved by the State Fire Marshal's regulations. Said installation shall be accomplished within sixty (60) days of the effective date of this Section.

(b) The owner shall be responsible for testing and maintaining detectors. The smoke detector shall be operable at the time that a tenant takes possession. A tenant shall be responsible for notifying the owner if the tenant becomes aware of an inoperable smoke detector within his or her dwelling. The owner or authorized agent shall correct any reported deficiencies in the smoke detector and shall not be in violation of this section for a deficient smoke detector when he or she has not received notice of the deficiency.

(c) A violation of this section shall be an infraction, punishable as provided in Section 11.021 of this Code.

(d) This section shall not affect any rights which the parties may have under any other provisions of law because of the presence or absence of a smoke detector.

Chapter 3

ABATEMENT OF FIRE HAZARDS AND HAZARDOUS TREES

Sections:

- 23.031 Duty to Abate Fire Hazards or Hazardous Trees.
- 23.032 Valley Area Fire Hazard Abatement.
- 23.033 Alternative Abatement of Large Parcels.
- 23.034 Mountain Area Fire Hazard Abatement.
- 23.035 Desert Area Fire Hazard Abatement.
- 23.036 Hazardous Tree Abatement Within Mountain Areas.
- 23.037 Enforcement.
- 23.038 Notice and Order to Abate.
- 23.039 Emergency Abatement.
- 23.040 Appeal Procedure.
- 23.041 Removal of Fire Hazard or Hazardous Tree by Private Contractor.
- 23.042 Payment for Abatement of Fire Hazard or Hazardous Tree.
- 23.043 Penalty for Violations.

23.031 Duty to Abate Fire Hazards or Hazardous Trees.

Every owner, occupant and person in control of any land or interest therein in the unincorporated area of the County of San Bernardino must abate all fire hazards and hazardous trees from such land and from all sidewalks, parkways, and easements on such land. In road easements, combustible rubbish need not be abated unless flammable vegetation is also present. All such fire hazards and hazardous trees are declared to be a public nuisance for which the costs of abatement may be specially assessed pursuant to Government Code section 25845.

Amended Ordinance 2962 (1985); Amended Ordinance 3586 (1994);

23.032 Valley Area Fire Hazard Abatement.

(a) Valley Area means that portion of the unincorporated area of the County of San Bernardino south and west of the National Forest boundary.

(b) Flammable vegetation in the Valley area means:

- (1) Plants, unless pruned to remove dead material.
- (2) Grass over four (4) inches in height.
- (3) Tumbleweeds (Russian thistle).

(c) Fire Hazard in the Valley Area means:

- (1) Flammable vegetation.
- (2) Combustible rubbish.
- (3) Limbs and undergrowth up to six feet off the ground in Eucalyptus windrows.

Amended Ordinance 3586 (1994);

23.033 Alternative Abatement of Large Parcels

In the case of any parcel or contiguous parcels under the same ownership upon which exists over five (5) continuous acres of vegetation which constitutes a fire hazard, the requirements of the duty to abate fire hazards may be satisfied if there is cleared, and maintained cleared, a forty (40) foot wide strip of land at the boundaries of such land, and through such land so that there shall not be any portion of the land larger than two and one-half (2-1/2) acres which is not enclosed by itself within such strip, which shall be firebreak, and all of the following conditions are also met:

- (a) Firebreaks are not an approved abatement method for tumbleweeds (Russian thistle).
- (b) It shall be the landowner's responsibility to notify the enforcing agency, in writing, if the landowner wants to use the firebreak provisions of this section.
- (c) All fire hazards must be removed within thirty (30) feet of any structure. Landowners are responsible for removing fire hazards on their property within thirty (30) feet of any structure, regardless of parcel or lot lines.
- (d) Where neighboring persons or properties are especially vulnerable to the effects of a fire, including, but not limited to schools, hospitals, mobilehome parks, retirement residences and chaparral/development interfaces, and larger breaks or solid disking are deemed necessary for fire protection, firebreaks which exceed forty (40) feet or solid disking of parcels larger than five (5) acres may be required by the enforcing agency.

Amended Ordinance 2962 (1985); Amended Ordinance 3586 (1994);

23.034 Mountain Area Fire Hazard Abatement.

(a) Mountain Area means that portion of the unincorporated area of the County of San Bernardino located within National Forest boundaries, whether publicly or privately owned, but does not include National Forest land.

(b) Flammable vegetation in the Mountain Area means:

- (1) On trees over twelve (12) feet in height, all foliage within six feet of the ground.
- (2) Tree limbs (not trunks) less than ten (10) feet away from chimneys.
- (3) Plants, unless pruned to remove dead material.
- (4) Grass over four (4) inches in height.
- (5) Pine needles on the ground over two (2) inches in depth.

(c) Fire Hazard in the Mountain Area means:

- (1) Flammable vegetation within ten (10) feet of a road.
- (2) Combustible rubbish.
- (3) On land with a slope of fifteen percent (15%) or less, all flammable vegetation within thirty (30) feet of all structures, including that portion of the property within thirty feet of structures on adjacent properties.

(4) On land with a slope greater than fifteen percent (15%), all flammable vegetation within one hundred (100) feet of all structures, including that portion of the property within one hundred (100) feet of structures on adjacent properties.

(5) Where neighboring persons or properties are especially vulnerable to the effects of fire, including, but not limited to schools, hospitals, mobilehome parks, residential occupancies or chaparral/development interfaces, flammable vegetation within one hundred (100) feet of all structures.

Amended Ordinance 3586 (1994);

ABATEMENT OF FIRE HAZARDS AND HAZARDOUS TREES

23.035 Desert Area Fire Hazard Abatement.

- (a) Desert Area means all portions of the unincorporated area of the County of San Bernardino north and east of the National Forest boundaries.
- (b) Flammable vegetation in the Desert Area means:
 - (1) Tumbleweeds (Russian thistle).
 - (2) Limbs and debris of salt cedar (Tamarisk) within six feet of the ground.
 - (3) Plants, unless pruned to remove dead material.
 - (4) Grass over four (4) inches in height.
- (c) Fire Hazard in the Desert Area means:
 - (1) Flammable vegetation within ten (10) feet of a road.
 - (2) Tumbleweeds, regardless of distance from structures.
 - (3) Combustible rubbish.
 - (4) Flammable vegetation within thirty (30) feet of all structures, including that portion of the property within (30) feet of structures on adjacent properties.
- (5) Where neighboring persons or properties are especially vulnerable to the effects of a fire, including, but not limited to schools, hospitals, mobilehome parks, residential occupancies or chaparral/development interfaces, flammable vegetation within one hundred (100) feet of all structures.

Amended Ordinance 3586 (1994);

23.036 Hazardous Tree Abatement Within Mountain Area.

- (a) The Board of Supervisors' finds that within the Mountain Area as defined in San Bernardino County Code section 23.034(a) a unique problem arises from several factors, including storms and various forms of precipitation, causing trees to become unstable and hazardous to lives and property.
- (b) Within the boundaries of the Mountain Area, the provisions of this section shall apply to any tree which constitutes a fire, health, or safety hazard or which may endanger or injure neighboring property, or the health, safety, or well-being of persons or property.
- (c) Every owner, occupant or person in control of any land or interest in land within such areas of the County shall abate any hazardous tree therefrom and from all sidewalks, parkways and easements on such land.

Amended Ordinance 3586 (1994);

23.037 Enforcement

For the purpose of enforcing this chapter, the County Fire Warden may designate any person as his or her deputy in the performance of the duties enjoined upon him or her by this chapter. In addition, each of the following officers within the County of San Bernardino is hereby designated to perform the same duties within the territory of the political subdivision which they serve. Whenever the term "County Fire Warden" is used in this chapter, the following officers are included in the meaning of such phrase, except that the County Fire Warden shall coordinate all such officers in the performance of these duties:

- (a) Chiefs or Chief Engineers of all Fire Protection Districts within the County of San Bernardino and their deputies.
- (b) The San Bernardino County Agricultural Commissioner.

ABATEMENT OF FIRE HAZARDS AND HAZARDOUS TREES

(c) Other officers hereafter designated by the Board of Supervisors or the County Fire Warden.

Amended Ordinance 3586 (1994);

23.038 Notice and Order to Abate.

(a) It shall be the duty of the County Fire Warden or any designated person, whenever such officer deems it necessary to enforce the provisions of this chapter, to issue a "Notice and Order to Abate" by any or all of the following methods:

- (1) By mailing a notice to the owner at the address shown on the latest tax roll.
- (2) By personal service to the owner as shown on the latest tax roll.
- (3) By posting the property.

(b) The form "Notice and Order to Abate Fire Hazard or Hazardous Trees" shall include, at a minimum, the following information:

- (1) List of hazards.
- (2) List of locations.
- (3) Due date by which abatement must be completed.
- (4) Appeal rights.
- (5) Landowner's name and address (situated and assessor's).
- (6) Parcel number of affected property.

(c) The Notice and Order to Abate shall be placed in the mail by the issuing agency at least thirty (30) days prior to the "due date" for abatement on the notice.

(d) A Non-Compliance Notice and Order shall be placed in the mail by the issuing agency at least ten (10) days prior to the "due date" for abatement on the notice. A Non-compliance Notice and Order is sent when the owner has partially removed the fire hazard or notified the agency that the hazard has been abated, and the agency determines that the fire hazard still exists.

Amended Ordinance 2994 (1986); Amended Ordinance 3586 (1994);

23.039 Emergency Abatement.

When a fire hazard or hazardous tree constitutes an immediate hazard or threat of harm and the situation calls for abatement sooner than the abatement procedures herein otherwise allow, the enforcement officer listed in section 23.037 may take or cause emergency abatement of such hazard with such notice to parties concerned, or without notice, as the particular circumstances reasonably allow.

Amended Ordinance 3586 (1994);

23.040 Appeal Procedure.

(a) Any person who is affected by the Notice and Order to Abate may appeal to the Board of Appeals, as defined in subdivision (c) of this section, within the time for compliance with the order, by submitting the appeal in writing to the issuing officer or department supervisor of such officer.

(b) The written appeal must be accompanied by a fee for the cost of the appeal as established by the County fee schedule.

ABATEMENT OF FIRE HAZARDS AND HAZARDOUS TREES

(c) The Board of Appeals shall consist of three (3) persons: one member shall be a designee of the County Fire Warden; one member shall be a designee of the Director of the Department of Environmental Health Services; one member shall be a member of the public appointed by the Chairperson of the Board of Supervisors.

(d) A timely appeal shall stay any further action until the appeal is determined.

(e) The officer receiving the written appeal shall inform the issuing officer, shall set the matter for hearing before the Board of Appeals and shall notify the appellant of the date set for hearing at least fifteen (15) days prior to such date.

(f) The Board of Appeals shall act on the appeal and its determination shall be final.

Amended Ordinance 3586 (1994);

23.041 Removal of Fire Hazard or Hazardous Tree by Private Contractor.

(a) If at the end of the time allowed for compliance in the original notice and order, or as extended in cases of appeal, compliance has not been accomplished, the officer or agency issuing the notice and order may order the fire hazard or hazardous tree to be removed by a private contractor selected and approved by the enforcing agency, in the manner and under the terms specified by such enforcing agency.

(b) If a period of ninety (90) days has elapsed since the due date for abatement of the hazard listed on the Notice and Order to Abate, another Notice and Order to Abate shall be issued, and the procedures set forth in section 23.038 shall be required prior to any abatement.

Amended Ordinance 3586 (1994);

23.042 Payment for Abatement of Fire Hazard or Hazardous Tree.

(a) Billing. When the abatement has been completed, the agency or officer so causing the abatement shall render to the County Auditor an itemized statement covering work necessary for such removal. The County Auditor shall pay the same from the funds of the agency or officer causing said work to be done and the agency shall present to the property owner a demand for payment by mailing a notice to the owner at the address shown on the latest tax roll.

(b) Tax Lien for Payment. If payment is not made by or on behalf of the owner within sixty (60) days after mailing such bill, the agency shall certify to the County Auditor the demands remaining unpaid, together with the information required by law in such cases. The County Auditor shall cause the amount of the same to be entered upon the tax roll for the property from which removal was accomplished, and the said special assessment shall be included upon the next succeeding tax statement. Thereafter, the amounts of the assessment shall be collected at the same time and in the same manner as County taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. If any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement, as confirmed, relating to such property shall be transferred to the unsecured roll and collected by any appropriate means. If the property is tax-exempt, collection may be made by any appropriate means.

ABATEMENT OF FIRE HAZARDS AND HAZARDOUS TREES

(c) Appeals. Any appeal from these charges must be filed within sixty (60) days from the date of billing by the enforcing agency. An appeal may also be filed within sixty (60) days from the date of mailing of the tax bill which shows abatement charges, if, and only if, no bill was received by the appellant. The appeal procedure shall be the same as section 23.040 of this chapter, and the Appeal Board's decision shall be final.

(d) Cancellation of Lien. All or any portion of any such special assessment, penalty, or costs heretofore entered, shall on order of the Board of Appeals be cancelled by the Auditor if uncollected, or, except in the case provided for in subdivision (5) hereof, refunded by the County Treasurer if collected, if the Board of Appeals determines that they were entered, charged or paid:

(1) More than once.

(2) Through clerical error.

(3) Through error or mistake of the Board of Appeals or of the officer or board designated to give notice or to abate the fire hazard or hazardous tree, in respect to any material fact, including the case where the cost report rendered and confirmed as hereinbefore provided shows the County abated the fire hazard or hazardous tree but such is not the actual fact;

(4) Illegally;

(5) On property acquired after the lien date by the State or by any county, city, school district or other political subdivision and because of this public ownership, not subject to sale for delinquent taxes.

(e) Procedure for Refund of Payment. No order for a cancellation or refund under subdivision (d) of this section shall be made except on a claim:

(1) Verified by the person who paid the special assessment or his or her guardian, executor, or administrator;

(2) Filed within sixty (60) days after the error was discovered by the property owner and no more than three (3) years after making the payment sought to be refunded.

Amended Ordinance 3586 (1994);

23.043 Penalty For Violation.

(a) Unless otherwise provided, any person, firm, partnership, corporation or other entity violating any provision of this chapter shall be guilty of an infraction or misdemeanor as hereinafter specified.

(b) Each day or portion thereof such violation is in existence shall be a new and separate offense.

(c) Any person so convicted shall be:

(1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) and not less than fifty dollars (\$50.00) for a first offense;

(2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) and not less than one hundred dollars (\$100.00) for a second offense.

(3) guilty of a misdemeanor for the third and any additional offenses and punished by a fine not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00) or six months in jail, or both.

(d) Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor.

(e) Payment of any fine or service of a jail sentence shall not relieve a person, firm, partnership, corporation or other entity from the responsibility of correcting the condition resulting from the violation.

ABATEMENT OF FIRE HAZARDS AND HAZARDOUS TREES

- (f) In addition to the above penalties, the court may order that the guilty party reimburse the County for all of its costs of investigating, analyzing and prosecuting the enforcement action against the guilty party. The court shall fix the amount of any such reimbursement upon submission of proof of such costs by the County.

Amended Ordinance 3586 (1994);

Chapter 4
AUTHORITY AND ADMINISTRATION FOR HAZARDOUS MATERIALS.

Sections:

- 23.0401 Intent and Enforcement Authority.
- 23.0402 Scope of Authority.
- 23.0403 Definitions.
- 23.0404 Validity and Severability.
- 23.0405 Existing Law Continued.
- 23.0406 No Liability/No Warranty.
- 23.0407 Authority to Investigate, Detain and/or Issue Citation and/or Abate a Public Nuisance.
- 23.0408 Interference Unlawful/Criminal Penalties For.
- 23.0409 Public Records.
- 23.0410 Remedies for Public Nuisances.
- 23.0411 Civil Remedies and Penalties, and Remedies for Fraud or Unfair Business Practices.
- 23.0412 Criminal Penalties.
- 23.0413 Notice of Lien for Non Compliance.

23.0401 Intent and Enforcement Authority.

Pursuant to California Health and Safety Code Section 101025 et seq. (County Health Officers); Section 101075 et seq. (Local Health Emergencies); Section 101375 et seq. (County Health Administration for Cities); Section 25100 et seq. (Hazardous Waste Control); Section 25200 et seq. (Permitting of Facilities); Section 25280 et seq. (Underground Storage of Hazardous Substances); Section 25260 et seq. (Unified Agency Review of Hazardous Materials Release Sites); Section 25299.10 et seq. (Petroleum Underground Storage Tank Cleanup); Section 25500 et seq. (Business and Area Plans); Section 25404 et seq. (Unified Hazardous Waste and Hazardous Materials Management Regulatory Program); Public Resources Code Section 21000 et seq. (California Environmental Quality Act); Water Code Sections 13304 and 13305 (Remedial Action by Government Agencies); Penal Code Section 370 et seq. (Public Nuisance); Government Code Section 25485 (Abatement of Nuisance); California Code of Regulations (CCR) Title 22 Section 66001 et seq. (Hazardous Waste Management); CCR Title 23 Section 2610 et seq. (Underground Storage Tank Regulations); 42 United States Code (USC) Section 6901 et seq. (Resource Conservation and Recovery Act); and other relevant federal and state authority, this jurisdiction has found that the public's interest will be best served by all hazardous material, hazardous waste, underground storage and related environmental protection programs within the borders of San Bernardino County being enforced and administered through the County Consolidated Fire District, hereinafter known as the San Bernardino County Fire Department, Division of Hazardous Materials. The Fire Chief and Investigative Officers of San Bernardino County Fire Department, Division of Hazardous Materials are hereby authorized to enforce and administer all federal, state, and local laws pertaining to hazardous materials and hazardous waste including those listed above and all provisions of Chapters 4 (Authority and Administration), 5 (Public Nuisance Abatement), 6 (Permits, Inspections and Hearing Procedures) and 7 (CUPA Permit Elements) of Division 3 of Title 2 of the San Bernardino County Code.

Ordinance 3846 (2002);

23.0402 Scope of Authority.

AUTHORITY AND ADMINISTRATION FOR HAZARDOUS MATERIALS

Authority is granted to the San Bernardino County Fire Department, the County Fire Chief and Investigative Officers of the Division of Hazardous Materials to enforce California Health and Safety Code Section 101075 et seq. (Local Health Emergencies) Section 25404 et seq. (Unified Hazardous Waste and Hazardous Materials Management Regulatory Program); Section 25100 et seq. (Hazardous Waste Control); Section 25280 et seq. (Underground Storage of Hazardous Substances); Section 25299.10 et seq. (Petroleum Underground Storage Tank Cleanup); Section 25500 et seq. (Hazardous Materials Release Response Plans and Inventory); Titles 19, 22, and 23 of California Code of Regulations, and as enumerated in Section 23.0401 of this Code. During declared states of emergency the Local Public Officer shall have supervision of and control over the Division of Hazardous Materials and its personnel. The County Fire Department Division of Hazardous Materials shall enforce all California Health and Safety Code provisions pertaining to hazardous materials and hazardous wastes as enumerated in Section 23.0401 of this Code, within available resources. The County Consolidated Fire District may charge reasonable fees for its services, including fees as are prescribed by Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code.

Ordinance 3846 (2002);

23.0403 Definitions.

Definitions herein shall supplement all definitions throughout the California Health and Safety Code and elsewhere in state laws and regulations pertaining to hazardous materials, hazardous waste and toxics control.

- (a) "Chief" means the San Bernardino County Fire Chief or Fire Marshall.
- (b) "Code" means the San Bernardino County Code.
- (c) "Contingency Plan" means a document setting out an organized, planned and coordinated course of action in case of fire, explosion or release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health and safety or the environment. Such document shall be consistent with Section 66265.50 et seq. of Title 22 of the California Code of Regulations.
- (d) "Corrective action" means activities taken to investigate, characterize, evaluate, correct and enforce requirements applicable to address releases of a hazardous waste, hazardous constituents or hazardous substances, as necessary to protect public health and the environment.
- (e) "Certified Unified Program Agency" or "CUPA" means the San Bernardino County Fire Department, Division of Hazardous Materials as the agency defined in Section 15110 et seq. of Title 27 of the California Code of Regulations, that has been certified by the Secretary of the California Environmental Protection Agency to implement the Unified Program specified in Section 25404 et seq. of the California Health and Safety Code.
- (f) "CUPA Permit" means a permit issued pursuant to Section 25404 et seq. of the California Health and Safety Code.
- (g) "CUPA Permit Program Elements" means the following six (6) elements that are further defined in Chapter 7 of Division 3 of Title 2 of this Code:
 - (1) hazardous waste generators and hazardous waste on-site treatment.
 - (2) underground storage tanks (UST).
 - (3) hazardous material release response plans and inventories.
 - (4) California Accidental Release Prevention (CalARP) Program.
 - (5) above ground storage tanks (spill prevention control and

AUTHORITY AND ADMINISTRATION FOR HAZARDOUS MATERIALS

countermeasure plan only).

(6) Uniform Fire Code Hazardous Material Management Plans and Inventories.

(h) "Department" means the San Bernardino County Fire Department.

(i) "Disposal" means any of the following:

(1) the discharge, deposit, injection, dumping, spilling, leaking, placing, pouring or venting of any hazardous waste or material so that the hazardous waste or material or any constituent of the hazardous waste or material is or may be emitted into the air or discharged into or onto any land or waters, including groundwater, or may otherwise enter the environment.

(2) the abandonment of any hazardous waste or material.

(j) "Division" means the Division of Hazardous Materials of the San Bernardino County Fire Department.

(k) "Hazardous Substance" means a substance that presents a threat to the public because of its toxicity, radioactivity, flammability, or other characteristic dangerous to the public health or the environment. It shall also include all hazardous substances so defined by Section 25501(p) of the California Health and Safety Code.

(l) "Investigative Officer" and "Deputy Investigative Officer" means any employee or agent of the San Bernardino County Fire Department, Hazardous Materials Division, who is so designated by the Chief, or who is registered as a Registered Environmental Health Specialist (R.E.H.S.) in the State of California.

(m) "Local Public Officer" means the County Fire Chief or Fire Marshall.

(n) "Operator" means any person or entity engaged in any activity or facility that is subject to the Division's jurisdiction.

(o) "Owner" means any person or entity having a financial interest in any activity or facility that is subject to the Division's jurisdiction.

(p) "Person" includes individuals, businesses, general partnerships, limited partnerships, joint ventures, corporations, state and local governmental entities, the U.S. Government and its agencies, and every other legal entity or any association having legal obligations subject to the provisions of this Code.

Ordinance 3846 (2002);

23.0404 Validity and Severability.

Chapters 4, 5, 6 and 7 of Division 3 of Title 2 of the San Bernardino County Code shall not be in conflict with state or federal law. If any provision of those Chapters or the application thereof is held invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of those Chapters are severable.

Ordinance 3846 (2002);

23.0405 Existing Law Continued.

The provisions of Chapters 4, 5, 6 and 7 of Division 3 of Title 2 of the San Bernardino County Code, insofar as they are substantially the same as provisions of existing laws and ordinances relating to the same subject matter, shall be construed as restatements, continuations and amendments thereof and not as new enactments.

Ordinance 3846 (2002);

23.0406 No Liability/No Warranty.

The County of San Bernardino, the San Bernardino County Fire Department Division of Hazardous Materials and their employees or agents shall not be held liable for any act or omission to act done in good faith reliance upon state law, or the ordinances and codes of the County of San Bernardino and upon Division policies and procedures. The County of San Bernardino, the San Bernardino County Fire Department Division of Hazardous Materials and their employees or agents shall not be held liable for the negligence of, nor as the guarantor of proper performance by, any person or entity holding any license, permit, certificate, registration, privilege, or other entitlement from the Division.

Ordinance 3846 (2002);

23.0407 Authority to Investigate, Detain and/or Issue Citation and/or Abate a Public Nuisance.

(a) The Chief, and such investigative officers as the Chief designates, shall have authority, at all reasonable times, with consent or a warrant if required, to enter any place, property, enclosure or structure to investigate for violations of Chapter 4, 5, 6 and 7 of Division 3 of Title 2 of the San Bernardino County Code, to abate a public nuisance, to detain for purposes of investigation or to issue a Notice of Violation or a citation in conformance with relevant federal and state laws and ordinances of the County of San Bernardino to any person committing a misdemeanor or infraction offense which is a violation of Chapters 4, 5, 6 and 7 of Division 3 of Title 2 of the San Bernardino County Code.

(b) Each applicant and permittee is subject to periodic unannounced inspections, with consent or a warrant if required, at all reasonable business hours, by the Division's Investigative Officers, and to the collection of evidence, samples, photographs, examination of invoices, and all other reasonable inspection procedures to determine compliance with all applicable laws and regulations enforced by the Division.

Ordinance 3846 (2002);

23.0408 Interference Unlawful/Criminal Penalties For.

It shall be a misdemeanor for any person or entity to deny access to, interfere with, prevent, restrict, obstruct, or hinder employees or agents acting within the scope of their duty or agency under Chapters 4, 5, 6 and 7 of Division 3 of Title 2 of this Code.

Ordinance 3846 (2002);

23.0409 Public Records.

In accordance with Section 6250 et seq. of the Government Code (California Public Records Act), the Division may charge reasonable fees to cover the costs of copying public records. In the absence of a specific court order, and in accordance with the California Public Records Act, the Division may determine not to disclose to the public any information concerning criminal investigations, epidemiological studies, medical records, private matters, trade secrets, information which would reveal the identity of any person who provided information to the Division in confidence or otherwise violate any person's right to privacy.

Ordinance 3846 (2002);

23.0410 Remedies for Public Nuisances.

In addition to criminal prosecution, civil action, and every other remedy or penalty provided by law, a public nuisance may be abated or enjoined in an action brought by the Division.

Ordinance 3846 (2002);

23.0411 Civil Remedies and Penalties, and Remedies for Fraud or Unfair Business Practices.

(a) It shall be unlawful for any person or entity to violate any provision of Chapters 4, 5, 6 and 7 of Division 3 of Title 2 of the San Bernardino County Code. All enforcement procedures, remedies, and penalties provided by Section 25299 et seq. of Chapter 6.7 of the California Health and Safety Code and provided by Chapters 4, 5, 6 and 7 of Division 3 of Title 2 of the San Bernardino County Code shall apply to any person who:

(1) fails to obtain all necessary permits required for installation, operation, up-grade, permanent closure, or removal of underground storage tanks, or for other CUPA Permit Elements as required.

(2) operates without making payment of any required fees. Such person or entity shall be guilty of an infraction or misdemeanor as specified in Section 23.0412 of this Code.

(3) fails to submit a work plan or provide required notifications of commencement of work to the Division prior to the beginning of any phase of corrective action or interim remedial action.

(4) fails to implement any phase of corrective action as required by law, regulation, ordinance or pursuant to conditions set by the Division.

(5) fails to submit, within thirty (30) calendar days after requested, a written report of findings at any phase of corrective action.

(6) fails to manage material contaminated with hazardous material or hazardous waste from a release, as prescribed by law, regulation, ordinance, or pursuant to conditions set by the Division.

(b) Penalties under this Section are in addition to, and do not supersede or limit, any and all other legal remedies and penalties, civil or criminal, that may be applicable under Section 25280 et seq. of the California Health and Safety Code or Title 23 of the California Code of Regulations.

(c) Payment of any late fee or penalty established by this County Code shall not relieve a person from the responsibility of correcting any violation of this County Code or from correcting a violation of any other statute or regulation.

AUTHORITY AND ADMINISTRATION FOR HAZARDOUS MATERIALS

(d) In addition to every other remedy or penalty provided by law, the Division may refer suspected fraudulent or unfair business practices as defined in the California Business and Professions Code to the appropriate authority for further investigation and remedies.

Ordinance 3846 (2002);

23.0412 Criminal Penalties.

(a) Unless otherwise provided, any person, firm, partnership, corporation or other entity violating any provision of Chapters 4, 5, 6, or 7 of Division 3 of Title 2 of the Code shall be guilty of an infraction or misdemeanor as hereinafter specified. Each day or portion thereof that such violation is in existence shall be a new and separate offense.

(b) Any person so convicted shall be:

(1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) and not less than fifty dollars (\$50.00) for a first offense.

(2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) and not less than one hundred dollars (\$100.00) for a second offense.

(3) guilty of a misdemeanor and punished by a fine not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00) or six (6) months in jail, or both, for a third or additional offense.

(4) notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor and the offender shall be punished pursuant to (3) above.

(c) Payment of any fine or service of a jail sentence herein provided shall not relieve a person, firm, partnership, corporation, or other entity from the responsibility of correcting the condition resulting from the violation.

(d) In addition to the above penalties, the court may order that the guilty party reimburse the Department for all of its costs of investigating, analyzing, inspecting, abating and prosecuting the enforcement action against the guilty party. The court shall fix the amount of any such reimbursement upon submission of proof of such costs by the Department.

(e) The owner, manager, and operator of every activity or facility subject to Chapters 4, 5, 6, or 7 of Division 3 of Title 2 of the Code shall be responsible for any violation of the provisions of these Chapters by an employee.

Ordinance 3846 (2002);

23.0413 Notice of Lien for Non-Compliance.

Whenever a Notice of Violation or notice of other administrative action has been given, the Investigative Officer may record a "Notice of Lien for Non-Compliance" with the office of the County Recorder of San Bernardino County pursuant to Section 27280 of the Government Code and shall notify the owner of the property of such action. The "Notice of Lien for Non-Compliance" shall describe the location of the property, shall set forth the non-complying conditions, and shall state that any costs incurred by the County, including but not limited to investigative, administrative and abatement costs and attorney fees, as a result of the violation of the San Bernardino County Code, or state law and regulations, may become a lien on the property and that the owner has been so notified. The County Recorder shall record and index the "Notice of Lien for Non-Compliance" in the name of each person and property specified in the action or proceeding. After all violations have been corrected, outstanding fees have been paid, a formal written request for release of the Notice of Lien for Non-Compliance must be submitted by the owner of the property or their authorized representative with the required processing fee to the Division. The Division shall make a determination of whether the property is in compliance. If an inspection is required, a Special Inspection fee will be charged. Once the Division has determined that the property is in compliance, it shall record in the Office of the County Recorder a document terminating the "Notice of Lien for Non-Compliance."

Ordinance 3846 (2002);

Chapter 5

PUBLIC NUISANCE ABATEMENT FOR HAZARDOUS MATERIALS.

Sections:

23.0501	Authority.
23.0502	Definitions.
23.0503	Resolution.
23.0504	Duty to Abate.
23.0505	Criminal and Civil Penalties Applicable.
23.0506	Emergency Abatement.
23.0507	Notice to Abate.
23.0508	Appeal Procedure.
23.0509	Abatement.
23.0510	Payment for Abatement.

23.0501 Authority.

Pursuant to the authority cited in Chapter 4 of Division 3 of Title 2 of the San Bernardino County Code, other relevant state law, and Section 25845 of the Government Code, the Board of Supervisors for San Bernardino County hereby authorizes the Department, the Chief and Investigative Officers of the Hazardous Materials Division of the County Fire Department to enforce the provisions of this Public Nuisance Abatement Chapter within this jurisdiction. Such authority includes the right to enter land, with consent or a warrant if required, for investigation, posting or serving notice or to cause abatement as herein provided.

Ordinance 3846 (2002);

23.0502 Definitions.

Definitions stated in other Chapters of this Code shall supplement the following:
“Public Nuisances” include:

(a) Accumulations of junk, trash, and related materials as set forth more specifically at Chapter 8 of Division 3 of Title 3 of the San Bernardino County Code (Waste Management) herein and including but not limited to: scrap metals; scrap plastic or polymer materials; scrap pipe or plumbing fixtures; machinery; rags; bedding; waste oil; batteries; oily wastes and similar accumulations under conditions not in compliance with approved land uses or locations as set forth more specifically in Title 8 of the San Bernardino County Code (Development), or otherwise in any manner detrimental to public health and safety or the environment.

(b) Hazardous waste or hazardous materials as defined in this Code that are present under circumstances that could endanger public health and safety, or the environment.

(c) Incompatible materials unsuitable for commingling where circumstances suggest a likelihood of explosion, spontaneous combustion, chemical reaction, fire, extreme heat, toxic substance formation or other dangerous reaction so as to endanger public health and safety or the environment.

(d) Biological and medical related wastes and odors from hospitals and medical facilities, sewers, cesspools, septic tanks, leach lines and fields (whether of individual or multiple ownership), toilets, holding tanks, seepage pits, butcher offal, animal droppings, excrement, urine, greywater, manure accumulations, dead animals, putrid matter and similar materials under circumstances endangering the public health and safety or the environment.

PUBLIC NUISANCE ABATEMENT FOR HAZARDOUS MATERIALS

(e) The installation, operation, repair or modification of any underground tank system contrary to the provisions of this Code or the spill, overfill or release of a hazardous material or hazardous waste from an underground storage tank system.

(f) Any situation or activity that exists or is conducted, maintained, or permitted, known at common-law, in equity jurisprudence, specified at Section 3479 et seq. of the California Civil Code, Section 370 of the Penal Code, or elsewhere defined in state law or by the laws of the County as a public nuisance and within the authority of the Division to abate.

(g) Any violation of the provisions of Chapters 4, 5, 6, or 7 of Division 3 of Title 2 of this Code.

Ordinance 3846 (2002);

23.0503 Resolution.

(a) Whenever a public nuisance exists anywhere within this jurisdiction, the Chief or Investigating Officer may declare such to be a public nuisance.

(b) Such declaration may refer to the public nuisance location by the name under which it is commonly known, by street number and name, in reference to adjacent or nearby roads, streets, or highways, by the County Assessor's Parcel Number(s) (APN), or by an abbreviated legal description.

Ordinance 3846 (2002);

23.0504 Duty to Abate.

No person or entity shall cause, permit, maintain, conduct, or otherwise allow a public nuisance to exist within the County. It shall be the responsibility of every owner, occupant, and person in control of any land or interest therein, located within the County to remove, abate, and prevent the recurrence of a public nuisance upon such land or interest therein. Any recurrence of a condition may be deemed to be a continuation of the original condition.

Ordinance 3846 (2002);

23.0505 Criminal and Civil Penalties Applicable.

Violations of this Chapter are also subject to all enforcement, criminal and civil penalty provisions of Chapter 4 and Chapter 6 of Division 3 of Title 2 of the San Bernardino County Code and all other remedies and penalties provided by law which are not limited or superseded by this Chapter.

Ordinance 3846 (2002);

23.0506 Emergency Abatement.

When a public nuisance constitutes an immediate hazard or real threat of harm under circumstances immediately dangerous to public health and safety or the environment, and the situation calls for abatement sooner than the abatement procedures herein otherwise allow, the Chief or Investigative Officers of the Division may take or cause emergency abatement of such nuisance with such notice to parties concerned, or without notice, as the particular circumstances reasonably allow.

Ordinance 3846 (2002);

23.0507 Notice to Abate.

(a) After the Chief or Investigating Officer declares the existence of a public nuisance, the Chief or Investigating Officer shall issue a "Notice to Abate" by either of the following methods:

(1) Mailing a copy by first class or certified mail addressed to the owner, person, or entity with a mailing address as shown on available tax or assessment rolls of the County of San Bernardino and posting a copy at the concerned property.

(2) Personal service upon the owner or occupant of the concerned property.

(b) The form "Notice to Abate" shall be substantially in the form following. In the absence of exigent circumstances, the notice may not require abatement in less than fifteen (15) days.

PUBLIC NUISANCE ABATEMENT FOR HAZARDOUS MATERIALS

NOTICE TO ABATE

Issued this: _____
 Month *Day* *Year*

By authority of San Bernardino County Code Section 23.0501 et seq.,
YOU ARE HEREBY NOTIFIED TO ABATE from your property described as

Assessor's Parcel Number/APN *Establishment Number*

Street Address *Post Office*
from the County of San Bernardino Assessor's Tax Records that list the owner as:
_____ of

Name

Address *Post Office* *State* *Zip*

the following public nuisances:

If said nuisances are not abated within _____ calendar days of the above date, the Chief or Investigating Officer may order said conditions abated by public employees, private contractor, or other person, and the cost of said abatement and all directly related investigative and administrative costs shall be billed directly to the property owner or levied and assessed against the property as a special assessment lien.

Any appeal from this order must be in writing and filed within fifteen (15) calendar days with the Chief of the Hazardous Materials Division, who will set the same for hearing before a Board of Appeals and notify you of the date of such hearing.

Failure to abate or to appeal within the times allowed may also make you subject to criminal and civil remedies. Your cooperation is anticipated.

Name and Title of Issuing Officer

San Bernardino County Fire Department
385 North Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415-0153

Ordinance 3846 (2002);

23.0508 Appeal Procedure.

Any person or entity served, constructively or personally, with the Notice to Abate set forth in Section 23.0507 may appeal in writing to the Chief, by mail or by personal delivery, within fifteen (15) calendar days of said service. The appeal shall contain the address to which the Notice of hearing shall be sent in order for the appeal to be valid. The Division shall cause the matter to be set for hearing before a Board of Appeals and notify the appellant of the date set for such hearing at least fifteen (15) calendar days prior to such date. The Board of Appeals shall act on the appeal and its determination shall be final. The Board of Appeals shall be appointed by the Chief and consist of three (3) persons as follows: two (2) Fire Department officers, but not the notice-issuing officer nor anyone having knowledge of the particular case, and a public member. Except as provided herein, the provisions of Section 23.0610 of this Code apply.

Ordinance 3846 (2002);

23.0509 Abatement.

If at the end of the time allowed for compliance in the Notice to Abate, or as extended in cases of appeal, compliance has not been accomplished, the Division may cause the abatement by public employees or by private contractor selected and approved by the Board of Supervisors in the manner and under the terms provided by this Chapter. If such abatement is so carried out, such property shall be subject to a special assessment lien for the costs of the abatement.

Ordinance 3846 (2002);

23.0510 Payment for Abatement.

(a) Procedure for Payment. When said abatement has been completed, the Division shall render to the San Bernardino County Auditor-Controller an itemized statement covering work necessary for the abatement. The Auditor-Controller shall pay the same from the funds of the agency or department causing said work to be done, and the Division shall present to the owner a demand for payment by mail. If payment is not made on behalf of the owner within sixty (60) calendar days after mailing such bill, the Chief shall certify to the Auditor-Controller the remaining unpaid cost, together with the information required by law in such cases. The Auditor-Controller shall cause the amount of the same to be entered upon the property from which abatement was accomplished, and the said special assessment and tax shall be included upon the next succeeding tax statement. Thereafter, the amounts of the assessment shall be collected at the same time and in the same manner as County taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this Section shall not attach to such real property and the costs of abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

(b) Appeals. Any appeal from these charges must be filed within sixty (60) calendar days from the date of billing or receipt of a tax bill that shows abatement charges. The appeal procedure shall be the same as specified in Section 23.0508 of this Chapter, and the Appeal Board's decision shall be conclusive.

PUBLIC NUISANCE ABATEMENT FOR HAZARDOUS MATERIALS

(c) Cancellation of Claim. All or any portion of any such special assessment, penalty or costs heretofore entered shall on order of the Board of Appeals be canceled by the Auditor-Controller if uncollected or, except in the case provided for in subsection (c)(5) hereof, refunded by the County Treasurer if collected, if it or they were entered, charged, or paid:

- (1) more than once;
- (2) through clerical error;
- (3) through the error or mistake (regarding any material fact relevant to the determination of a claim) by the Board of Appeals, the Division or the person designated by them to give notice to abate;
- (4) illegally; or
- (5) on property acquired after the lien date by the state or by any county, city, school district, or other political subdivision and because of this public ownership is not subject to sale for delinquent taxes.

(d) Procedure for Refund of Payment. No order for a refund under the foregoing Section shall be made except on a claim:

- (1) verified by the person who paid the special assessment, their guardian, executor, or administrator;
- (2) filed within three (3) years after making the payment sought to be refunded.

Ordinance 3846 (2002);

Chapter 6

PERMITS, INSPECTIONS AND HEARING PROCEDURES FOR HAZARDOUS MATERIALS.

Sections:

- 23.0601 Authority.
- 23.0602 Current CUPA Operational Permit Required.
- 23.0603 Division Plan Review and Construction Permits Required.
- 23.0604 Administration of CUPA Permits, Special Processing Fees and Penalties.
- 23.0605 Operating With an Expired Permit Unlawful.
- 23.0606 Grounds for Revocation of CUPA Permits; Administrative Procedures and Penalties for Continued Operation.
- 23.0607 New CUPA Permit Required After Revocation.
- 23.0608 Grounds for Summary Suspension of CUPA Permit and Penalties for Continued Operation.
- 23.0609 Inspections.
- 23.0610 Administrative Hearing Procedures.

23.0601 Authority.

Pursuant to the authority cited in Chapter 4 of Division 3 of Title 2 of the San Bernardino County Code, the Department shall enforce the following permits and hearing procedures.

Ordinance 3846 (2002);

23.0602 Current CUPA Operational Permit Required.

(a) No person or entity shall own, operate or allow the operation of any activity or facility subject to the requirements of the CUPA Permit Program Elements, whether for permanent or temporary activities, including but not limited to the generation, production, storage, treatment or other handling of hazardous materials or hazardous waste, nor own or operate a transporter facility as defined in Section 23.0711(d) of this Code, without first applying for, receiving, and retaining an unexpired, unrevoked, unsuspended, CUPA permit for each activity or facility and paying fees in those amounts specified in Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code.

(b) The CUPA permit includes, but is not limited to, the following six (6) Program Elements as described in Articles 1-6 of Chapter 7 of Division 3 of Title 2 of this Code:

- (1) Hazardous Waste Generators and Hazardous Waste On-Site Treatment.
 - (2) Underground Storage Tanks.
 - (3) Hazardous Material Release Response Plans and Inventories.
 - (4) California Accidental Release Prevention (CALARP) Program.
 - (5) Above Ground Storage Tanks (AST) (spill prevention control and countermeasure plan only).
 - (6) Uniform Fire Code Hazardous Material Management Plans and Inventories.
- (c) Each applicant shall provide all relevant information regarding:
- (1) Assessor's parcel number;
 - (2) Board of Equalization number;
 - (3) all past and present DBAs and fictitious business names;
 - (4) driver's license number and state of issue;

PERMITS, INSPECTIONS AND HEARING PROCEDURES FOR HAZARDOUS

(5) Federal Environmental Protection Agency (EPA) or State EPA identification number;

(6) federal tax identification number/social security number;

(7) Dunn & Bradstreet number;

(8) names, addresses and phone numbers of the business, the applicant, and the owner;

(9) name and twenty-four (24) hour phone number of the emergency contact person;

(10) number and type of employees;

(11) number of underground storage tanks;

(12) Standard Industrial Code (SIC) number for all locations; and

(13) a declaration under penalty of perjury that the information provided is true and correct.

(d) In addition to (c)(1) through (c)(13) above, each applicant shall provide all relevant information required for each applicable Program Element as described in Articles 1-6 of Chapter 7 of Division 3 of Title 2 of this Code.

(e) Any person or entity who has been issued a valid CUPA Operational Permit shall notify the Division of any changes in management or ownership.

(f) Issuance of a CUPA Operational Permit by the Division shall be in no way construed as authorization for land use approval, nor shall it preclude any state or local permitting agency requirements.

Ordinance 3846 (2002);

23.0603 Division Plan Review and Construction Permits Required.

(a) No person or entity shall commence any construction activity, remodel, alteration, addition or change in equipment and/or scope of operation for any activity or facility subject to the CUPA's permitting and enforcement authority as stated in Section 23.0401 of this Code, whether permanent or temporary, without first obtaining written approval of three (3) sets, or more as required herein, of detailed plans accompanied with plan check fees in those amounts specified in Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code.

(b) Scaled plans shall be in conventional form that allows rapid review. Where complex, unique, or peculiar public health and safety risks may be created by the proposed activity or facility, the Division may require special engineering studies sufficient to demonstrate that every reasonable action to eliminate or reduce such risks has or will be undertaken. No deviation from approved or corrected plans shall occur without written approval. No construction or related activity shall occur at the job site without approved or corrected plans being present. Inspection and approval shall be obtained at the completion of each construction phase.

Ordinance 3846 (2002);

23.0604 Administration of CUPA Permits, Special Processing Fees and Penalties.

Except as otherwise provided in Chapters 4, 5, 6 and 7 of Division 3 of Title 2 of the San Bernardino County Code, CUPA permits shall not be transferable from one person or entity to another or from one location to another. Each CUPA permit shall be placed in a conspicuous place at the permitted facility. Permit holders shall renew CUPA permits prior to their expiration. The Division may assess reasonable special processing fees and delinquent fees against any activity or facility operating without a CUPA permit; with an expired, suspended, or revoked CUPA permit; and when checks are returned without payment all as set forth in Chapter 2 of Division 6 of Title 1 of this Code.

Ordinance 3846 (2002);

23.0605 Operating With an Expired Permit Unlawful.

Any person or entity operating or allowing the operation of any activity or facility subject to this Chapter with a CUPA permit expired for more than thirty (30) calendar days without having made application for renewal, shall be guilty of a separate offense for each day or portion thereof such violation exists as specified in Section 23.0412 of of this Code.

Ordinance 3846 (2002);

23.0606 Grounds for Revocation of CUPA Permits; Administrative Procedures and Penalties for Continued Operation.

(a) The Division may revoke CUPA permits for noncompliance with applicable law or otherwise for just cause where the health or safety of the public may be endangered.

(b) Prior to such revocation, the Division shall, pursuant to the provisions of Chapter 4, 5, 6 and 7 of Division 3 of Title 2 of the San Bernardino County Code, notify the CUPA permit holder to show cause why the CUPA permit should not be revoked. The notification shall state the allegations and facts leading to its issuance.

(c) Unless the CUPA permit is also suspended in addition to being revoked, any activity or facility may continue to operate pending action on the Administrative Order to Show Cause regarding revocation.

(d) Continued operation of any activity or facility after revocation or suspension of relevant CUPA permits is an infraction or misdemeanor pursuant to Section 23.0412 of this Code.

Ordinance 3846 (2002);

23.0607 New CUPA Permit Required After Revocation.

All conditions upon which the Division based a revocation shall be corrected prior to an activity or facility being granted a new CUPA permit. Where revocation of a CUPA permit has occurred, the applicant shall apply in the manner provided for new applicants, shall pay all appropriate fees, and shall include a certificate of compliance signed by the applicant that all conditions upon which the revocation was based have been completely corrected. An inspection by this Division shall be conducted to verify that all outstanding violations have been corrected prior to issuance of a new CUPA permit.

Ordinance 3846 (2002);

23.0608 Grounds for Summary Suspension of CUPA Permit and Penalties for Continued Operation.

The Division may summarily suspend a CUPA permit when an Investigative Officer finds continued operation of the facility or activity constitutes an immediate public health risk. Any person continuing to operate any activity or facility after suspension of CUPA permit shall be guilty of an infraction offense or misdemeanor offense pursuant to Section 23.0412 of this Code. Any suspension shall remain in effect until such time that it is determined that grounds for suspension no longer exist.

Ordinance 3846 (2002);

23.0609 Inspections.

(a) The Division will conduct routine inspections of every facility that is subject to the requirements of the CUPA Permit Program Elements within its jurisdiction.

(b) After each inspection, the Division will prepare an inspection report, detailing the inspection and will furnish a copy to the permit holder.

(c) In addition to, or in lieu of, the inspections specified in subsection (a), the Division may require the permit holder to employ special inspectors to periodically conduct an audit or assessment of the permit holder's facility to determine whether the facility is in compliance with applicable Sections of the California Health and Safety Code, the California Code of Regulations and this Code, and to prepare a special inspection report with recommendations concerning the storage of hazardous materials or hazardous waste in compliance with the CUPA permit.

(1) the report shall contain recommendations for compliance with CUPA permit requirements. A copy of the report shall be filed with this Division at the same time the inspector submits the report to the permit holder.

(2) within thirty (30) calendar days after receiving this report, the CUPA permit holder shall file with the Division a plan to implement all recommendations for CUPA permit compliance contained in the report or shall demonstrate to the satisfaction of the Division why these recommendations should not be implemented.

Ordinance 3846 (2002);

23.0610 Administrative Hearing Procedures.

Notwithstanding any other administrative procedure of the County, and unless otherwise specified by state law, the following administrative procedures shall apply to all hearings required pursuant to orders written pursuant to the provisions of Chapter 4, 5, 6 and 7 of Division 3 of Title 2 of the San Bernardino County Code. The following procedure shall not be applicable to hearings before the San Bernardino County Board of Supervisors.

(a) An appeal made under this Section shall be made in writing and filed with the County Fire Chief within fifteen (15) calendar days of receipt of an order written pursuant to provisions of Chapters 4, 5, 6 and 7 of Division 3 of Title 2 of the San Bernardino County Code. The appeal shall contain the address to which the Notice of Hearing shall be sent in order for the appeal to be valid.

(b) The hearing officer shall be the County Fire Chief or another person appointed by the Chief. Any such appointee shall be a person who has no knowledge of the facts of the particular case at the outset of the hearing and a person who is not immediately involved with enforcement activities pertaining to the particular activity or facility concerned.

PERMITS, INSPECTIONS AND HEARING PROCEDURES FOR HAZARDOUS

(c) For permit revocation proceedings pursuant to Section 23.0606 of this Chapter, the hearing shall be held within fifteen (15) calendar days after receipt of a request for a hearing. For permit post-suspension proceedings pursuant to Section 23.0608 of this Chapter, the hearing shall be held within five (5) calendar days after receipt of a request for a hearing. For all other proceedings, the hearing shall be held within ninety (90) calendar days after filing of a request for a hearing. Upon written request of the permit holder, the hearing officer may postpone the hearing date or it may be postponed or continued by stipulation of the parties. If the party notified does not respond or appear, no further hearing procedure shall be required.

(d) Witnesses shall swear or affirm to tell the truth. The oath or affirmation shall be administered by the hearing officer. The investigative officers shall present their case first with oral testimony, documentary or other evidence. The responding party shall have the right to be represented by counsel and shall have the right of cross-examination. The responding party may present a response after the investigative officers have presented their case. The investigative officers shall have the right of cross-examination. After both sides have completed presenting evidence, the investigative officer may comment on the evidence and argue. Thereafter, the responding party may do the same.

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of the evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing. Irrelevant and unduly repetitious evidence shall be excluded.

(e) The Hearing Officer shall issue a written notice of decision to the permittee within five (5) County working days following the hearing. In the event of a suspension or revocation, the notice shall specify the acts or omissions with which the permittee is charged and shall state the terms of the suspension or that the permit has been revoked.

Ordinance 3846 (2002);

Chapter 7

CUPA PERMIT ELEMENTS FOR HAZARDOUS MATERIALS.

Articles:

- Article 1. Hazardous Waste Generators and Hazardous Waste On-Site Treatment CUPA Program Element.
- Article 2. Underground Storage Tanks CUPA Program Element.
- Article 3. Hazardous Material Release Response Plans and Inventories CUPA Program Element.
- Article 4. California Accidental Release Prevention (CALARP) Program CUPA Program Element.
- Article 5. Above Ground Storage Tanks CUPA Program Element.
- Article 6. Uniform Fire Code Hazardous Material Management Plans and Inventories CUPA Program Element.

Article 1

HAZARDOUS WASTE GENERATORS AND HAZARDOUS WASTE ON-SITE TREATMENT CUPA PROGRAM ELEMENT.

Sections:

23.0710	Authority.
23.0711	Definitions.
23.0712	Permits Required.
23.0713	Requirements - General.
23.0714	Orders Specifying Compliance Or Correction; And Orders To Cease And Desist, Remediate, Or Mitigate Disposal Of Hazardous Waste.
23.0715	Administrative Penalties and Administrative Due Process.
23.0716-19	(Reserved)

23.0710 Authority.

California Health and Safety Code Section 25404(c)(1) is enforced by the CUPA. In addition, the following definitions and requirements of this Article shall apply to such enforcement and to enforcement of the provisions of this Article.

Ordinance 3846 (2002);

23.0711 Definitions.

(a) "Generator" means any person, business or entity, by site, whose act or process produces hazardous waste identified or listed in Title 22 of the California Code of Regulations. Generator includes:

(1) "hazardous waste generator" means any person or business that produces or generates a hazardous waste in any quantity;

(2) "limited quantity hazardous waste generator" means any person or business that generates a hazardous waste in quantities equal to or less than 5 gallons or 50 pounds per month; and

(3) "special hazardous waste generator" means any person or business that only generates and completely recycles one or more of the following hazardous wastes: used oil, waste ethylene glycol automotive antifreeze, waste dry cleaning solvents and solids, waste silver and silver containing solutions from photo imaging, and waste non-halogenated automotive parts cleaning solvents.

(b) "Hazardous Waste" means any waste or mixture of wastes that is toxic, corrosive, flammable, an irritant, a strong sensitizer or that generates pressure through decomposition, heat or other means, if such waste or mixture of wastes may cause substantial injury, serious illness or harm to human health and safety or the environment, domestic livestock or wildlife. It shall also include all wastes so defined by the California Health and Safety Code (including but not limited to Sections 25115, 25117, and 25316), and all hazardous wastes listed or defined in the California Code of Regulations Title 22.

(c) "On-SiteTreatment" means treatment of hazardous waste at the facility at which the hazardous waste is produced. One or more of the following Tiered Permits as defined in Section 25110 et seq. of the California Health and Safety Code, are required for on-site treatment:

- (1) conditional authorization (CA)
- (2) conditional Exemption (CE)
- (3) permit-by-rule (PBR)

CUPA PERMITS ELEMENTS FOR HAZARDOUS MATERIALS

(d) "Transporter Facility" means an approved commercial location at which hazardous waste is stored for periods of less than ninety-six (96) hours prior to delivery to a permitted treatment, storage or disposal facility.

(e) "Treatment" means any method, technique, or process that is not otherwise excluded from the definition of treatment by Section 25123.5 of the California Health and Safety Code, and that is designed to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or that removes or reduces its harmful properties or characteristics for any purpose. Treatment does not include the removal of residues from manufacturing process equipment for the purposes of cleaning that equipment.

Ordinance 3846 (2002);

23.0712 Permits Required.

(a) In addition to the requirements of Section 23.0602 of this Code, permits and fees shall also apply to all construction, modification, remodel and repair activities relating to any hazardous waste generation, production, storage, transportation or treatment.

(b) In addition to the requirements of Section 23.0602(c) of this Code, the following information is required:

(1) the name, address and telephone numbers of all operators and/or owners of any transporter facility.

(2) the site address where hazardous waste is generated or produced if different from the facility address.

(3) a listing of the types of hazardous waste generated, the volume of each type of hazardous waste generated on a monthly basis, and the method by which each type of hazardous waste is treated, recycled or disposed of at each location.

(4) names of all haulers and/or recyclers.

(5) a production process flow chart, that shall list all hazardous materials and how they are used in each production process, what products are produced, what hazardous and non-hazardous wastes are generated and the type and quantity of all solvents and any other substances used in all maintenance/clean-up activities related to each production process.

(6) as a condition of any permit to generate or produce hazardous waste, the permittee shall prepare a Contingency Plan as defined in Section 66260.10 and Section 66265.50 et seq. of Title 22 of the California Code of Regulations and shall notify the Division of any changes in hazardous waste produced and/or production processes.

(7) as a condition of any permit for on-site treatment of hazardous waste, the permittee shall complete and submit an Onsite Hazardous Waste Treatment Notification Form.

Ordinance 3846 (2002);

23.0713 Requirements - General.

(a) All requirements of Title 22, California Code of Regulations that implement the requirements of Section 25100 et seq., of the California Health and Safety Code, must be complied with, including but not limited to the management, determination, identification, analysis, storage, labeling, containment, treatment, reporting, manifesting, transportation and disposal of hazardous waste, and/or waste oil, and/or waste oil filters, and/or waste lead acid batteries; and including the requirements regarding personnel/training records and hazardous waste contingency plans.

CUPA PERMITS ELEMENTS FOR HAZARDOUS MATERIALS

(b) Except as provided in Section 25160 et seq., of the California Health and Safety Code, it is unlawful for any person to transport hazardous waste unless registered with the Department of Toxic Substances Control as a Hazardous Waste Transporter. Such registration shall be in the possession of the transporter when transporting hazardous waste.

Ordinance 3846 (2002);

23.0714 Orders Specifying Compliance Or Correction; And Orders To Cease And Desist, Remediate, Or Mitigate Disposal Of Hazardous Waste.

(a) Whenever the Department, Chief or Investigative Officer of the Division of Hazardous Materials determines that any person has violated, is in violation of, or threatens to violate those laws and regulations that fall within the Department's scope of authority pursuant to Section 25100 et seq. of the California Health and Safety Code (Hazardous Waste Control), or the Department, the Chief or Investigative Officer determines there has been a release as defined in Section 25300 et seq. of the California Health and Safety Code of hazardous waste or constituents into the environment from a hazardous waste facility, the Department, the Chief or Investigative Officer may issue an order requiring a correction of the violation, and specifying a schedule for compliance or correction.

(b) Whenever the Department, Chief or Investigative Officer of the Division of Hazardous Materials determines that any person is disposing or has illegally disposed of a hazardous waste or hazardous material to the air, soil, or waters within its jurisdiction, the Department, Chief or Investigative Officer may issue to the person an order to cease and desist from disposing of the hazardous materials and/or hazardous waste, or to remediate, cleanup, or mitigate such a disposal. Failure to comply with the order is a violation of Chapter 7 of Division 3 of Title 2, and is punishable as set forth in Section 23.0715 of this Code.

(c) The person ordered to comply may request a hearing pursuant to Section 25187 of the California Health and Safety Code. If the Department finds that the violation associated with any provision of the order poses an imminent and substantial endangerment to the public health or safety or the environment, a request for a hearing shall not stay the effect of that provision of the order.

Ordinance 3846 (2002);

23.0715 Administrative Penalties and Administrative Due Process.

(a) Unless otherwise provided, any person in violation of Article 1 of Chapter 7 of Division 3 of Title 2 of the San Bernardino County Code shall be subject to an administrative penalty pursuant to Section 66272.60 et seq. of Title 22 of the California Code of Regulations when issued an administrative enforcement order pursuant to Section 25187 of the California Health and Safety Code; or as otherwise provided by law.

(b) Unless otherwise provided, any person who has been issued an administrative enforcement order shall be served by personal service or certified mail and shall be informed of the right to a hearing pursuant to the provisions of Section 25187 of the California Health and Safety Code; or as otherwise provided by law.

Ordinance 3846 (2002);

23.0716-19 (Reserved)

Article 2
UNDERGROUND STORAGE TANKS CUPA PROGRAM ELEMENT.

Sections:

23.0720	Authority.
23.0721	Definitions.
23.0722	CUPA Permit and Fees Required.
23.0723	CUPA UST Installation and Modification Requirements.
23.0724	CUPA UST Permit Application and Conditions.
23.0725	Inspections.
23.0726	Modifying and Terminating CUPA UST Permits.
23.0727	CUPA Permit to Repair or Upgrade Existing Underground Storage Tanks.
23.0728	Tank Entry Guidelines for Maintenance, Repair, Lining and Bladder Installations.
23.0729	Storage Tanks Not in Use.
23.07210	Temporary Closure.
23.07211	Closure by Removal.
23.07212	Permanent Closure in Place.
23.07213	Sampling Analysis for Closures.
23.07214	Corrective Action Requirements.
23.07215-299	(Reserved)

23.0720 Authority.

California Health and Safety Code Section 25404(c)(3) is enforced by the CUPA. In addition, the following definitions and requirements of this Article shall apply to such enforcement and to enforcement of the provisions of this Article.

Ordinance 3846 (2002);

23.0721 Definitions.

(a) "Construction of an underground tank system" means to build or manufacture an underground tank system or any part thereof, that does not qualify as a repair or modification of an underground tank system.

(b) "Installation of an underground tank system" occurs when an underground tank is placed in the ground or when an underground tank system is replaced by another underground tank system.

(c) "Modification of an underground tank system" occurs when changes or upgrades are made that alter the tanks, piping, dispensers, sumps, manways or monitoring of an underground tank system through structural additions or deletions.

(d) "Permanent closure by removal of an underground tank system" occurs when an underground tank system has ceased the storage of hazardous substances and the underground tank system will not be used, or is not intended to be used, for storage of hazardous substances, and will be removed.

(e) "Permanent closure in place of an underground tank system" occurs when an underground tank system has ceased the storage of hazardous substances and the underground tank system will not be used, or is not intended to be used, for storage of hazardous substances, and will not be removed.

(f) "Release" means any spilling, overfilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment.

(g) "Responsible party" means one or more of the following:

CUPA PERMITS ELEMENTS FOR HAZARDOUS MATERIALS

(1) any person who owns or operates an underground storage tank used for the storage of any hazardous waste or material;

(2) any person who owned or operated the underground storage tank immediately before the discontinuation of its use, in the case of any underground storage tank no longer in use.

(3) any owner of property where a release of a hazardous waste or material from an underground storage tank has occurred; and

(4) any person who has or had control over an underground storage tank at the time of or following a release of a hazardous waste or material.

(h) "Special Inspectors" means each and all of the following:

(1) a professional engineer registered pursuant to Section 6700, et seq. of the California Business and Professions Code (Division 3), who is qualified to attest to structural soundness, seismic safety, the compatibility of construction materials with contents, cathodic protections and the mechanical compatibility of the structural elements regarding underground storage tanks.

(2) a professional engineer registered pursuant to Section 6700, et seq. of the California Business and Professions Code (Division 3), who is certified as a cathodic engineer or a corrosion specialist for linings and cathodic protection by the National Association of Cathodic Engineers (N.A.C.E.).

(3) a certified industrial hygienist registered pursuant to Section 20700, et seq. of the California Business and Professions Code, (Division 8), to assure compliance with health and safety issues, appropriate testing and compliance with industry standards.

(4) a person with valid certification issued by the State of California pursuant to Section 20701 of the California Health and Safety Code as appropriate for the types of inspections and oversight directed by the Division, for upgrading underground storage tanks.

(i) "Substantially beneath the surface of the ground" means that at least 10% of the total capacity of the underground tank system is below grade, dug into the earth, or placed in a vault or basement below the general ground surface.

(j) "Tank" means a stationary device designed to contain an accumulation of hazardous substances for any period of time, that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.

(1) "aboveground storage tank" is defined in Section 23.0751(a) of this Code.

(2) "underground storage tank" (UST) means any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is totally or substantially beneath the surface of the ground.

(k) "Temporary closure of an underground tank system" means an underground tank system in which the storage of hazardous substances has ceased but the underground tank system is intended to be used for the storage of hazardous substances within the next twelve (12) months.

(l) "Underground tank system" means an underground storage tank, connected piping, ancillary equipment, and containment system, if any.

(m) "Upgrade" means the addition or retrofit of any part of the underground tank system such as cathodic protection, internal lining, secondary containment, spill containment, overfill protection or any other activity designed to achieve compliance with state or federal regulations for containment or monitoring of underground storage tanks.

Ordinance 3846 (2002);

23.0722 CUPA Permit and Fees Required.

CUPA PERMITS ELEMENTS FOR HAZARDOUS MATERIALS

(a) Within the County of San Bernardino, no person or entity shall construct, install, own, operate, test, monitor, certify, inspect, modify, repair, replace, remove, upgrade or abandon an underground storage tank of any kind or store hazardous materials/waste underground except with an unexpired, unsuspended, unrevoked CUPA permit issued pursuant to Section 23.0602 of this Code, and plan review and construction permits issued pursuant to Section 23.0603 of this Code.

(b) Pursuant to Section 101490 of the California Health and Safety Code, corrective action oversight services provided by the Division that are not reimbursed through contract with the State Water Resources Control Board shall be reimbursed directly to the Division by the responsible parties at a rate specified in Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code.

Ordinance 3846 (2002);

23.0723 CUPA UST Installation and Modification Requirements.

The SAN BERNARDINO COUNTY FIRE DEPARTMENT INSTALLATION AND MODIFICATION REQUIREMENTS FOR NEW AND EXISTING UNDERGROUND STORAGE TANKS are to be met by the permittee and are enforced by the CUPA.

Ordinance 3846 (2002);

23.0724 CUPA UST Permit Application and Conditions.

(a) Application for a CUPA permit UST program element shall be made on the standardized form provided by the Division. In addition to the requirements of Section 23.0602 of this Code, all of the requirements of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations shall be met. In addition to the requirements of Section 23.0602(c) of this Code, the following information is required.

- (1) a description of the construction of the underground storage tank.
- (2) a list of all the hazardous materials or hazardous waste that are or will be stored in the underground storage tanks, specifying the hazardous materials or hazardous waste for each underground storage tank.
- (3) a description of the monitoring program for the underground storage tank.
- (4) the name and address of the person, firm, corporation or legal entity which owns the underground storage tank and if different, the name, Dunn & Bradstreet Number, Federal Identification Number, Driver's License Number, Social Security Number, Board of Equalization Number and address of the person who operates the underground storage tank.
- (5) the address of the facility at which the underground storage tanks are located.
- (6) if the owner or operator of the underground storage tank is a public agency, the application shall include the name of the supervisor of the division, section or office that operates the underground storage tank.

(b) As a condition of any CUPA UST permit, the permittee shall complete an annual report form, which details any changes in the usage of any underground storage tank, including the storage of hazardous materials or hazardous waste, changes in monitoring procedure or a release occurrence.

CUPA PERMITS ELEMENTS FOR HAZARDOUS MATERIALS

(c) If a permittee stores a hazardous material or hazardous waste in a underground storage tank which is not listed in the application, the permittee shall apply for a new or amended permit within thirty (30) days after commencing the storage of the hazardous material/waste.

Ordinance 3846 (2002);

23.0725 Inspections.

California Health and Safety Code Section 25280 et seq. (Chapter 6.7), is enforced by the CUPA. In addition to the requirements of Chapter 6.7 of the California Health and Safety Code and Section 23.0609 of this Code, the following is required:

The inspection shall determine:

(a) Whether the UST complies with the design and construction standards of Section 25280 et seq. of the California Health and Safety Code [Underground Storage of Hazardous Substances], Section 2610 et seq. of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations [Underground Tank Regulations], and Sections 23.0723 and 23.0727 of this Code, and

(b) Whether the operator has monitored and tested the UST as required by the CUPA permit.

Ordinance 3846 (2002);

23.0726 Modifying and Terminating CUPA UST Permits.

The Division shall review the permit whenever there has been a release, or when a change in materials stored or the method of monitoring takes place. When it determines that the underground storage tank is not complying with CUPA permit requirements, the Division may modify or terminate the permit. In determining whether to modify or terminate the permit, the Division shall consider:

- (a) The age of the underground storage tank;
- (b) The methods of containment;
- (c) The methods of monitoring;
- (d) The feasibility of and required repairs;
- (e) The concentration of the hazardous material or hazardous waste stored in the underground storage tank;
- (f) The severity of potential releases;
- (g) The suitability of any other long-term preventive measures that would meet the requirements of this article;
- (h) Whether all permit requirements have been met; and
- (i) Whether monitoring and reporting have been properly carried out.

Ordinance 3846 (2002);

23.0727 CUPA Permit to Repair or Upgrade Existing Underground Storage Tanks.

(a) In addition to Section 23.0602 of this Code, pursuant to Section 25299.2 of the California Health and Safety Code, and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, and the State Water Resources Control Board Local Guidance (LG) Letters, as now or hereinafter amended, the following information is required when submitting an application for a CUPA permit to repair or upgrade an existing underground storage tank:

- (1) an application to construct, properly completed and signed.
- (2) name and business address of contractor(s) to perform any and all tank work.

CUPA PERMITS ELEMENTS FOR HAZARDOUS MATERIALS

(3) copy of contracts to perform underground storage tank work, proof of valid contractor's license, proof of workers' compensation insurance, and proof of a Hazardous Substance Certificate issued by the State of California Consumer Affairs Board.

(4) detailed work plan on all aspects of the project including any required blueprints, site safety plans and copies of any other required permits.

(5) documents which demonstrate to the satisfaction of the Division that the underground storage system is structurally sound and that the method of repair or upgrade will prevent releases due to structural failure or corrosion during the operating life of the underground storage tank system.

(b) In addition, the following is required:

(1) prior to upgrading, the owner and/or operator shall submit documents that demonstrate to the satisfaction of the Division that the underground storage tank system has not caused a release. Before soil samples are taken, the Division shall be notified a minimum of five (5) days in advance so that a representative of the Division may be present. A special inspection permit may be required.

(2) prior to upgrade, a preliminary assessment shall be submitted. The Division shall review this report and require a site assessment to be completed. Once the site assessment reports have been received the Division shall grant or deny the upgrade within forty-five (45) days of receipt of the report.

(3) no person shall undertake any repair or upgrade, lining installation, or entry into an underground storage tank for any purpose without employing a Special Inspector. The Special Inspector shall have pre-approved all work plans and site safety plans and shall, at the discretion of the Division, be on site through all phases of the repair or upgrade project.

Ordinance 3846 (2002);

23.0728 Tank Entry Guidelines For Maintenance, Repair, Lining and Bladder Installations.

The SAN BERNARDINO COUNTY FIRE DEPARTMENT TANK ENTRY GUIDELINES FOR MAINTENANCE, REPAIR, LINING AND BLADDER INSTALLATIONS are to be met by the permittee and are enforced by the CUPA.

Ordinance 3846 (2002);

23.0729 Storage Tanks Not in Use.

No person shall abandon, close or remove an underground storage tank, temporarily cease operating an underground storage tank or gather soil and/or water samples for the determination of contamination, except with a CUPA permit.

Ordinance 3846 (2002);

23.07210 Temporary Closure.

(a) An underground storage tank that is temporarily taken out of service, but that the operator intends to return to use, shall continue to be subject to all the CUPA permit, inspection and monitoring requirements.

(b) No person shall temporarily close an underground storage tank unless the person undertakes all of the following actions to comply with CUPA permit requirements:

CUPA PERMITS ELEMENTS FOR HAZARDOUS MATERIALS

(1) demonstrates that all residual amounts of the hazardous substances that were stored in the underground storage tank prior to its closure have been removed, properly disposed of and neutralized.

(2) adequately seals the underground storage tank to minimize any threat to public health and safety and the possibility of water intrusion into or runoff from the underground storage tank.

(3) provides for and carries out the maintenance of the underground storage tank for the period of time determined necessary by the Division.

(4) demonstrates through monitoring and testing records that there has been no soil contamination resulting from a discharge in the area surrounding the underground storage tank or facility.

(c) No person shall re-open a temporarily closed tank or tank facility until all requirements of Section 2671(d) of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, and applicable Sections of this Code have been met.

Ordinance 3846 (2002);

23.07211 Permanent Closure by Removal.

(a) No person shall remove underground storage tanks or gather soils or groundwater samples to be used for closure or contamination determination without a qualified and authorized representative of the Division present.

(b) Owners or operators of underground storage tanks subject to permanent closure by removal shall comply with applicable provisions of Section 2672(b) of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations and with the following requirements:

(1) when an underground storage tank or any part thereof is disposed of, the owner or operator shall document to the Division that proper disposal has been completed. This documentation shall be submitted to the Division within thirty (30) days of the disposal.

(2) an owner or operator of an underground storage tank or any part thereof that is destined for a specific reuse shall provide the following information in writing to the Division within thirty (30) days after removal and before the reuse of such tank or any part thereof:

(A) the names of the new owner and new operator of the underground storage tank;

(B) the location of intended use;

(C) the nature of intended use; and

(D) proof there are no hazardous materials remaining in the tank.

Ordinance 3846 (2002);

23.07212 Permanent Closure in Place.

(a) No person shall close an underground storage tank in place unless it can be demonstrated to the satisfaction of this Division that to remove the underground storage tank would cause excessive structural damage to a structure or structures that are currently inhabitable, or would cause unreasonable risk to life, health, or property.

(1) a Registered Professional Engineer shall certify that the underground storage tank meets the above minimum requirements.

CUPA PERMITS ELEMENTS FOR HAZARDOUS MATERIALS

(b) Owners or operators of underground storage tanks subject to permanent closure in place shall comply with all applicable provisions of Section 2672 et seq. of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, and with the following requirements:

(1) all liquids, solids or sludges shall be removed and handled as hazardous waste or recyclable materials in accordance with California Health and Safety Code Section 25100 et seq. (Chapter 6.5), and Section 25280 et seq. (Chapter 6.7).

(2) if the underground storage tank contained a hazardous material or hazardous waste that could produce flammable vapors at standard temperature and pressure, it shall be inerted to levels that shall preclude explosion or to lower levels as may be required by the Division.

(3) all piping associated with the underground storage tank shall be removed and disposed of, unless removal might damage structures or other pipes that are being used and that are contained in a common trench, in which case the piping to be closed shall be emptied of all contents and capped.

(4) the underground storage tank, except for piping that is closed in accordance with subsection (3) above, shall be completely filled with an inert solid.

Ordinance 3846 (2002);

23.07213 Sampling Analysis for Closures.

The owner or operator of an underground storage tank being closed pursuant to this Article shall demonstrate to the satisfaction of the Division that no release has occurred. This demonstration shall be based on soil sample analysis and/or water analysis. This analysis shall be performed during or immediately after closure activities. If the demonstration is based on soil sample analysis, soil samples shall be taken and analyzed as follows:

(a) If the underground storage tank or any portion thereof is removed, soil samples shall be taken immediately beneath the removed portions of the tank and at a minimum of two feet into native material at each end of the tank in accordance with Section 2649 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations. A separate sample shall be taken for each twenty (20) lineal feet of trench for piping.

(b) If the underground storage tank or any portion thereof cannot be removed, at least two (2) borings shall be taken as close as possible to the endpoint beneath the tank using a slant boring (mechanical or manual) or other appropriate method, such as vertical borings drilled on each long dimensional side of the tank.

(c) Soils shall be analyzed in accordance with Section 2649 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations for all constituents of the previously stored hazardous materials or hazardous waste and their breakdown or transformation products. When key constituents that pose a significant threat to water quality or the environment can be identified for analysis, the Division may waive the requirement for analysis of all constituents, breakdown or transformation products.

(d) An original copy of the sample analysis with a Quality Assurance and Quality Control Report in accordance with Section 2650 et seq. of Article 5 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, shall be sent directly to this Division within sixty (60) calendar days of the sample date.

(e) The detection of any reportable release shall require compliance with Section 2650 et seq. of Article 5 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, and the applicable requirements of Section 23.07214 of this Code.

Ordinance 3846 (2002);

23.07214 Corrective Action Requirements.

(a) Responsible parties for an underground storage tank shall comply with the requirements of this Section whenever there is any release reportable pursuant to Section 25295 of the California Health and Safety Code.

(b) Responsible parties shall conduct investigations of any release, the release site and the surrounding area possibly affected by the release and take corrective action in compliance with the following requirements:

(1) all applicable waste discharge requirements or other order issued pursuant to Section 13000 et seq. of Division 7 of the California Water Code (Porter-Cologne Water Quality Control Act);

(2) all applicable state policies for water quality control adopted pursuant to Section 13140 et seq. of Article 3 of the California Water Code;

(3) all applicable water quality control plans adopted pursuant to Section 13240 et seq. of Article 3 of the California Water Code;

(4) all applicable requirements of Section 25280 et seq. of the California Health and Safety Code, and the regulations of Section 2610 et seq., of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations promulgated thereto; and

(5) all applicable requirements of Section 25299.36 et seq. and Section 25100 et seq. of the California Health and Safety Code, and Section 66001 et seq. of Chapter 10 of Division 4.5 of Title 22 of the California Code of Regulations.

(c) Corrective action includes one or more of the following phases:

(1) Preliminary Site Assessment Phase,

(2) Soil, Air and Water Investigation Phase,

(3) Corrective Action Plan Implementation Phase; and,

(4) Verification Monitoring Phase.

(d) Responsible parties shall take or contract for interim remedial actions, as necessary, to abate or correct the actual or potential effects of a release. Interim remedial actions can occur concurrently with any phase of corrective action. Before taking interim remedial action, responsible parties shall notify the Division of the proposed action and shall comply with any requirements the Division sets. Interim remedial actions include, but are not limited to, the following:

(1) removal of free product;

(2) enhanced biodegradation to promote bacterial decomposition of contaminants;

(3) excavation and disposal of contaminated soil;

(4) vacuum extraction of contaminants from soil or groundwater; and

(5) pumping and treatment of groundwater to remove dissolved contaminants.

(e) The responsible party shall submit a work plan to the Division prior to implementing any portions of its corrective action. The work plan shall include the proposed actions and a proposed schedule for their completion. The responsible party shall modify the work plan, as necessary, at the direction of the Division.

(f) Implementation of the work plan may begin no less than sixty (60) calendar days after submittal, unless the responsible party is otherwise directed by the Division. At least five (5) working days before beginning these activities, the responsible party or its representative shall:

(1) notify the Division of the intent to initiate the proposed actions included in the work plan submitted; and

(2) comply with any conditions set by the Division, including mitigation of adverse consequences from cleanup activities.

CUPA PERMITS ELEMENTS FOR HAZARDOUS MATERIALS

(g) The Preliminary Site Assessment Phase includes, at a minimum, initial site investigation, initial abatement actions and initial site characterization in accordance with Sections 2652, 2653, and 2654 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations and any interim remedial actions taken in accordance with subsection (d) of this Section. Implementation of any of the interim remedial actions or any of the activities included in the Preliminary Site Assessment shall constitute initiation of corrective action.

(h) The Soil, Air and Water Investigation Phase includes the collection and analysis of data necessary to assess the nature, vertical and lateral extent of the release and to determine effective methods of cleanup. Using information obtained during the investigation, the responsible party shall propose a Corrective Action Plan and submit it to the Division for review and concurrence. The responsible party is required to demonstrate to the Division that the Corrective Action Plan will adequately protect human health and safety and the environment, and will restore or protect current or potential beneficial uses of water. The responsible party shall modify the Corrective Action Plan in response to the directives of the Division.

(i) The Corrective Action Plan Implementation Phase consists of carrying out the alternative selected during the Soil, Air and Water Investigation Phase for remediation or mitigation of the actual or potential adverse effects of the release. Upon concurrence with the Corrective Action Plan or as directed by the Division, the responsible party shall implement, monitor, evaluate and report the results of implementation of the Corrective Action Plan on a schedule agreed to by the Division. The responsible party shall modify or suspend clean-up activities when directed to do so by the Division.

(j) The Verification Monitoring Phase includes all activities required to verify implementation of the Corrective Action Plan and evaluate its effectiveness. The responsible party shall verify completion of the Corrective Action Plan through sampling or other monitoring of soil, air and/or water for such period of time and at intervals agreed to by the Division. Using the monitoring results obtained pursuant to this subsection and any other relevant data obtained pursuant to this Section, the responsible party shall evaluate the effectiveness of the site work.

(k) The responsible party shall submit monitoring data and an evaluation of the results of such monitoring in writing on a schedule and for a duration agreed to by the Division.

Ordinance 3846 (2002);

23.07215-299 (Reserved)

Ordinance 3846 (2002);

Article 3

**HAZARDOUS MATERIAL RELEASE RESPONSE PLANS AND INVENTORIES CUPA PROGRAM
ELEMENT**

Sections:

- 23.0730 Authority.
- 23.0731 Definitions.
- 23.0732 Requirements – General.
- 23.0733-39 (Reserved)

23.0730 Authority.

California Health and Safety Code Section 25404(c)(4) (Chapter 6.11), and Section 25500 et seq. (Chapter 6.95), are enforced by the CUPA. In addition, the following definitions and requirements of this Article shall apply to such enforcement and to enforcement of the provisions of this Article.

Ordinance 3846 (2002);

23.0731 Definitions.

(a) “Business” means an employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, or association, and also includes a business organized for profit and a nonprofit business.

(b) “Business Plan” means a separate plan for each facility, site or branch of a business that meets the requirements of Section 25504 of the California Health and Safety Code.

(c) “Handle” means to use, generate, process, produce, package, treat, store, emit, discharge or dispose of a hazardous material in any fashion.

(d) “Handler” means any business that handles a hazardous material.

(e) “Hazardous material” means any material that, because of its quantity, concentration or physical or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste and any material that a handler or the CUPA has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

(f) “Release” means any spilling, overfilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

Ordinance 3846 (2002);

23.0732 Requirements – General.

(a) A business plan is required of any person, business or entity that handles a hazardous material or a mixture containing a hazardous material, except as specifically exempted in Section 25503.5 of the California Health and Safety Code, if the handler handles:

(1) a total quantity, whether in one container or multiple containers, of any single material at one time during the reporting year that is equal to or greater than a total weight of 500 pounds, a total volume of 55 gallons or 200 cubic feet at standard temperature and pressure for compressed gases, or

(2) a radioactive material in quantities for which an emergency plan is required to be adopted pursuant to Title 10 of the Code of Federal Regulations, or

CUPA PERMITS ELEMENTS FOR HAZARDOUS MATERIALS

- (3) a Category 1 or Category 2 pesticide in any amount, or
- (4) a DOT Class 1 explosive in any amount, or
- (5) an extremely hazardous substance listed in Appendix A of Part 355 of Title 40 of the Code of Federal Regulations in quantities at or exceeding the threshold planning quantity, or

(6) material which requires a business plan according to Section 25500 et seq. of the California Health and Safety Code.

(b) Except as provided in Section 25507(b) of the California Health and Safety Code relating to transportation of hazardous materials on a highway, the handler or any employee, authorized representative, agent or designee of a handler shall upon discovery immediately report any release or threatened release of a hazardous material to the CUPA and to the Office of Emergency Services in accordance with the regulations adopted pursuant to Section 25503 of the California Health and Safety Code. Each handler and any employee, authorized representative, agent or designee of a handler shall provide all state, city or county fire or public health or safety personnel and emergency rescue personnel with access to the handler's facilities pursuant to Section 25507 of the California Health and Safety Code.

Ordinance 3846 (2002);

23.0733-39 (Reserved)

Ordinance 3846 (2002);

Article 4

**CALIFORNIA ACCIDENTAL RELEASE PREVENTION (CALARP) PROGRAM CUPA PROGRAM
ELEMENT.**

Sections:

23.0740 Authority.
23.0741-49 (Reserved)

23.0740 Authority.

California Health and Safety Code Section 25404(c)(5) (Chapter 6.11), and
Section 25531 et seq., (Chapter 6.95) are enforced by the CUPA.

Ordinance 3846 (2002);

23.0741-49 (Reserved)

Ordinance 3846 (2002);

Article 5

ABOVE GROUND STORAGE TANKS CUPA PROGRAM ELEMENT

Sections:

- 23.0750 Authority.
- 23.0751 Definitions.
- 23.0752-59 (Reserved)

23.0750 Authority.

California Health and Safety Code Section 25404(c)(2) (Chapter 6.11) is enforced by the CUPA. In addition, the following definitions shall apply to such enforcement and to enforcement of the provisions of this Article.

Ordinance 3846 (2002);

23.0751 Definitions.

(a) "Above Ground Storage Tank" means any aboveground tank or container used for the storage of petroleum.

(b) "Petroleum" means crude oil, or any fraction thereof, that is liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per square inch absolute pressure.

(c) "Release" means any spilling, overfilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment.

(d) "Spill Prevention, Control and Countermeasure Plan" means a plan which is required to be prepared by each owner or operator of an above-ground storage tank pursuant to the requirements of Section 25270.5(c) of Chapter 6.67 of the California Health and Safety Code in accordance with the guidelines contained in Part 112 of Title 40 of the Code of Federal Regulations.

(e) "Storage" means the containment, handling or treatment of petroleum, for any period of time, including on a temporary basis.

Ordinance 3846 (2002);

23.0752-59 (Reserved)

Ordinance 3846 (2002);

Article 6

**UNIFORM FIRE CODE HAZARDOUS MATERIAL MANAGEMENT PLANS AND INVENTORIES
CUPA PROGRAM ELEMENT.**

Sections:

23.0760 Authority.
23.0761 Definitions.
23.0762-69 (Reserved)

23.0760 Authority.

California Health and Safety Code Section 25404(c)(6) (Chapter 6.11) is enforced by the CUPA. In addition, the following definitions shall apply to such enforcement and to enforcement of the provisions of this Article.

Ordinance 3846 (2002);

23.0761 Definitions.

(a) "Hazardous Materials Management Plan" or "HMMP" means a plan required by Section 80.103(b) (Article 80) of the Uniform Fire Code which each application for a permit shall include when required by the Chief. A sample HMMP can be found in Appendix II-E of the Uniform Fire Code.

(b) "Hazardous Materials Inventory Statement" or "HMIS" means a plan required by Section 80.103(c) (Article 80) of the Uniform Fire Code which each application for a permit shall include when required by the Chief. A sample HMIS can be found in Appendix II-E of the Uniform Fire Code.

Ordinance 3846 (2002);

23.0762-69 (Reserved)

Ordinance 3846 (2002);

DIVISION 4. DISORDERLY CONDUCT, PLACES AND PUBLICATIONS

Chapters: 1. 2. 3. 4. 5.

- 1. Nude Entertainment and Commercial Nudity**
- 2. Endurance Contests**
- 3. Impersonation of Opposite Sex**
- 4. Off-limits Rules at Military Installations**
- 5. Alcoholic Beverage Containers**

Chapter 1

NUDE ENTERTAINMENT AND COMMERCIAL NUDITY

Sections:

- 24.011 Alcoholic Beverage Establishments.
- 24.012 Other Establishments.
- 24.013 Commercial Nudity Other Than Entertainment.
- 24.014 Employment or Payment Not Necessary For Offense.

24.011 Alcoholic Beverage Establishments.

It is unlawful and a misdemeanor for any person, while acting as a waiter, waitress or an entertainer in an establishment which serves or offers for sale alcoholic beverages for consumption on the premises of such establishment:

- (a) To expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
- (b) To expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
- (c) To expose any portion of the female breast at or below the areola.

Adopted Ordinance 2836 (1984)

24.012 Other Establishments.

It is unlawful and a misdemeanor for any person, while acting as an entertainer in an establishment which does not serve or offer for sale alcoholic beverages for consumption on the premises of such establishment, and while the person is located at any place in the establishment within view from and closer than six feet to any area occupied by any customer or open to customer use:

- (a) To expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
- (b) To expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
- (c) To expose any portion of the female breast at or below the areola.

Adopted Ordinance 2836 (1984);

24.013 Commercial Nudity Other Than Entertainment.

(a) It shall be unlawful and a misdemeanor for any person, while engaged in commercial activity other than as an entertainer:

(1) To expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

(2) To expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

(3) To expose any portion of the female breast at or below the areola.

(b) This section shall not apply to nudity at a resort or campground for which site approval has been obtained pursuant to applicable land use regulations.

Adopted Ordinance 2836 (1984);

24.014 Employment or Payment Not Necessary For Offense.

A person shall be deemed to be a waiter, waitress or entertainer, or to be engaged in commercial activity, without regard to whether the person is employed by or paid any compensation by the management of the establishment in which the activity is performed, provided that the activity is performed in furtherance of the establishment's commercial enterprise.

Adopted Ordinance 2836 (1984);

Chapter 2 - Sections 24.021 - 24.023

REPEALED BY ORDINANCE 3468 (1991)

Chapter 3

BLINDER RACKS

Sections:

- 24.031 Definitions.
- 24.032 Requirement of Blinder Racks.
- 24.033 Penalty.
- 24.034 Severability.

24.031 Definitions.

Unless otherwise stated, words and terms are defined as follows:

- (a) EXHIBIT means to show.
- (b) HARMFUL MATTER means matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- (c) KNOWINGLY means being aware of the character of the matter.
- (d) MATTER means any book, magazine, newspaper, video recording, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription, or mechanical, chemical, or electrical reproduction or any other articles, equipment, machines, or materials. MATTER also includes live or recorded telephone messages when transmitted, disseminated, or distributed as part of a commercial transaction.
- (e) MINOR means any natural person under 18 years of age.
- (f) PERSON means any individual, partnership, firm, association, corporation, or other legal entity.

Adopted Ordinance 3412 (1990);

24.032 Requirement of Blinder Racks.

No material which is harmful to minors shall be displayed in any public place, other than a public place from which minors are excluded, unless "blinder racks" are placed in front of the material, so that the lower two-thirds (2/3) of the material is not exposed to view.

Adopted Ordinance 3412 (1990);

24.033 Penalty.

Any person who violates this chapter is guilty of a misdemeanor, punishable in accordance with the provisions of Chapter 2 of Division 1 of Title 1 of this Code.

Adopted Ordinance 3412 (1990);

BLINDER RACKS

24.034 Severability.

If any phrase, clause, sentence, section or provision of this chapter or application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other phrase, clause, sentence, section, provision, or application of this chapter, which can be given effect without the invalid phrase, clause, sentence, section, provision or application and to this end the provisions of this chapter are declared to be severable.

Adopted Ordinance 3412 (1990);

Chapter 4

OFF-LIMITS RULES AT MILITARY INSTALLATIONS

Sections:

- 24.041 Prohibiting Places Declared Off-limits From Serving Military Personnel.
- 24.042 Posting of Off-limits Signs.
- 24.043 Prevention of Military Personnel From Entering Off-limits Premises.

24.041 Prohibiting Places Declared Off-limits From Serving Military Personnel.

In any place of business where any food or drink is sold or offered for sale, when and while such place of business has been ordered and is placed "off-limits" or "out of bounds" or both, by the military or naval authorities or both, a person, either as owner, manager, employee, or otherwise, shall not sell, serve, give to, or allow the consumption on the premises by any United States military or naval personnel who are included within such order, any food or drink or alcoholic beverages.

Adopted Ordinance 561 (1945);

24.042 Posting of Off-limits Signs.

The owner, manager or other person in charge or control of any place of business referred to in this chapter, within two (2) hours after receiving formal notice that such place of business has been ordered and placed "off-limits" or "out of bounds," shall post and keep posted during the existence of the military or naval order, not less than two (2) signs in letters of not less than one (1) inch in height in conspicuous places in and about the premises, giving notice that such place of business has been ordered and placed "off-limits" or "out of bounds." At least one (1) of such signs shall be posted at or near the entrance to, and be plainly visible from the outside of, such place of business.

Adopted Ordinance 561 (1945);

24.043 Prevention of Military Personnel From Entering Off-limits Premises.

The owner, manager, or other person in charge or control of any place of business referred to in this chapter, shall prevent from entering into or remaining upon or in such place of business, any military or naval personnel prohibited by the order placing such place "off-limits" or "out of bounds" from so entering or remaining.

Adopted Ordinance 561 (1945);

Chapter 5

ALCOHOLIC BEVERAGE CONTAINERS

Sections:

- 24.051 Possession of Open Alcoholic Beverage Container on Premises of or on Sidewalk Adjacent to Premises of Retail Package Licensee; Licensee Posting.

24.051 Possession of Open Alcoholic Beverage Container on Premises of or on Sidewalk Adjacent to Premises of Retail Package Licensee; Licensee Posting.

(a) It shall be unlawful and an infraction for any person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, to enter, be, or remain on the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with section 23000) of the Business and Professions Code, or on any public sidewalk immediately adjacent to the licensed and posted premises. As used in this section, "posted premises" means those premises which are subject to licensure under any retail package off-sale alcoholic beverage license, the parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises on which clearly visible notices indicate to the patrons of the licensee and parking lots and the persons on the public sidewalk, that the provisions of this section are applicable. The provisions of this section do not apply to a private residential parking lot which is immediately adjacent to the posted premises.

(b) All retail package off-sale alcoholic beverage licensees licensed pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code of the State of California shall install and maintain signs on the licensed premises, clearly visible to the patrons of the licensee and to persons in or on any parking lot or public sidewalk immediately adjacent to the licensed premises, which notify all such persons that the provisions of subsection (a) of this section are applicable. Any licensee violating any provision of this subsection shall be guilty of an infraction.

Adopted Ordinance 3391 (1990);

Chapter 6

SUBSEQUENT SHERIFF RESPONSE TO PARTIES, GATHERINGS OR EVENTS

Sections:

- 24.0601** Findings.
24.0602 Definitions.
24.0603 Sheriff Services at Parties Requiring More Than One Response.
24.0604 Sheriff Services Fee.
24.0605 Billing.
24.0606 Appeal.

24.0601 Findings.

The Board of Supervisors finds and determines that parties, gatherings or events on private property can constitute a threat to the peace, health, safety or general welfare of the public. Officers have been required to make many return calls to parties, gatherings or events in order to disperse uncooperative and unruly participants. Such return calls drain the manpower and resources of the Sheriff's Department and can leave other areas of the County without minimal levels of law enforcement protection so as to create a significant hazard to the safety of citizens and Sheriff's officers.

24.0602 Definitions.

As used in this Chapter, the following terms shall have the following meanings:

(a) "Party" means a party, gathering, event or other assembly of persons for a social occasion or other activity.

(b) "Sheriff services fee" means all costs of personnel and equipment for the amount of time actually spent in responding to or in remaining at a party at the rate established in Section 16.0226(m) of this code, including but not limited to the salaries of Sheriff's Department personnel, as well as the actual cost of any medical treatment to injured officers, the cost of repairing any damaged County equipment or property, and overhead and administrative costs related to all of the foregoing.

(c) "Person responsible for the party" means any of the following:

(1) The person or persons who own the property where the party takes place;

(2) The person or persons in charge of the premises where the party takes place;

(3) The person or persons authorizing the use of the premises for the party;

(4) The person or persons who organized the party.

(d) "Subsequent Sheriff response" means any Sheriff Department response to the location of a party made within twelve hours after the service of a written warning on a person responsible for the party that the party is in violation of the law.

24.0603 Sheriff Services at Parties Requiring More Than One Response.

(a) A Sheriff services fee may be imposed when:

(1) A Sheriff's Department officer at the scene of a party has given written notice to a person responsible for the party that the party violates the law; and

(2) A subsequent Sheriff's Department response to the party is required to control the threat to public peace, health, safety and welfare and to disperse the party.

(b) The provisions of this chapter are in addition to the authority of the Sheriff to regulate parties and shall supplement, and not supplant, the exercise of any other law including, but not limited to, arrest or citation pursuant to the California Penal Code or local law.

24.0604 Sheriff Services Fee.

(a) Each person responsible for the party for which a Sheriff services fee is imposed under Section 24.0603 of this code shall be jointly and severally liable for the Sheriff services fee. Where a person responsible for the party for which a Sheriff services fee is imposed under Section 24.0603 of this code is a minor, the parents or guardians of that minor shall be jointly and severally liable for the Sheriff services fee.

ALCOHOLIC BEVERAGE CONTAINERS

(b) The amount of the fee imposed pursuant to this chapter shall be a debt, owed to the County of San Bernardino, of the person responsible for the party receiving the Sheriff services and, if minors, their parents or guardians. Any person owing money shall be liable in an action brought by the County in its own name to recover such amount, plus costs and reasonable attorneys' fees.

24.0605 Billing.

The Sheriff or his designate shall cause appropriate billings to be sent to the person responsible for the party. Where there is more than one person responsible for the party, the Sheriff or his designate may, in his discretion, bill each such person for the portion of the Sheriff services fee that is attributable to such person's actions in causing the violation of the law referenced in Section 24.0603(a) of this code.

24.0606 Appeal.

(a) Any person receiving a bill for Sheriff services provided pursuant to this chapter may, within fifteen days after the bill is mailed, file a written request with the Sheriff's Department appealing the bill. Any appeal regarding the bill shall be heard by an employee of the Sheriff's Department as designated by the Sheriff.

(b) After a request for appeal is filed, the County shall refrain from collection of the bill until conclusion of the appeal.

(c) If, after a hearing before a Sheriff's Department employee, the appeal is denied in part or in full, all amounts due to the County shall be paid within thirty days.

Ordinance 3818 (2001);

CURFEW REGULATIONS

DIVISION 5. MINORS

Chapter:

1. Curfew Regulations

Chapter 1

CURFEW REGULATIONS

Sections:

25.011 Curfew Hours.

25.012 Responsibility of Parents.

25.011 Curfew Hours.

Every person under the age of eighteen (18) years who remains, loiters, idles or wanders about the public streets, alleys sidewalks, parks or public places of the unincorporated area of the County of San Bernardino, State of California, between the hours of 10:00 p.m. and the time of sunrise the following day is guilty of a misdemeanor. This chapter shall not apply to a minor accompanied by a parent or legal guardian having legal custody and control of such minor, or by a spouse of such minor over eighteen (18) years of age; to a minor upon an emergency errand for such adult; to a minor returning directly home from a public meeting, school, entertainment, or recreational activity; or to a minor who is required to be in or upon a public place incidental to his or her employment.

Adopted Ordinance 627 (1949); Amended Ordinance 3468 (1991);

25.012 Responsibility of Parents.

Every parent, guardian, or other person having the legal care, custody or control of any person under the age of eighteen (18) years who allows or permits such person to violate any provisions of this chapter, is guilty of a misdemeanor.

Adopted Ordinance 627 (1949);

Chapter 2

DAYTIME LOITERING ON SCHOOL DAYS

Sections:

- 25.021 Purpose.
- 25.022 Prohibited acts.
- 25.023 Valid excuses.
- 25.024 Enforcement procedure.
- 25.025 Infraction -- Penalty.
- 25.026 Hearing requirement -- Parental obligation to attend.
- 25.027 Cost recovery.
- 25.028 Severability.

25.021 Purpose.

The purpose of this Chapter is to protect the health, safety and welfare of both the community and unsupervised truants and to address those problems minors create when they loiter in public places during school hours. Because of their lack of maturity and experience, unsupervised students may involve themselves in unsafe activities by loitering; some unsupervised students may engage in criminal activity to the detriment of the community; and some unsupervised students may become a burden on police who must return them to school, wait for parents to pick them up, and/or investigate any and all criminal activity related to the students' truancy. Truant minors also lose educational opportunities and their unexcused absences result in a loss of state and federal funding to the detriment of all students. As a result, therefore, the Board of Supervisors of the County of San Bernardino finds and determines that a special need exists for the adoption of a juvenile loitering ordinance.

Adopted Ordinance 3653 (1996);

25.022 Prohibited acts.

(a) Minors. It is unlawful for any minor under the age of eighteen years, who is subject to compulsory education or to compulsory continuation education, to loiter, idle, wander, stroll or play in or upon public street, highway, road, alley, park, playground, parking area, or other public ground, public place or public building, place of amusement or eating place, vacant lot, or any place open to the public in the unincorporated area of the County of San Bernardino, State of California, during those hours that his or her school is in session.

(b) Parents/guardians. It is unlawful for the parent or guardian of any minor to knowingly permit or by insufficient control to allow the minor to be in violation of section 25.022(a).

Adopted Ordinance 3653 (1996); Amended Ordinance 3719 (1998);

25.023 Valid excuses.

The provisions of this Chapter shall not apply when the minor has one or more of the following valid excuses:

1. The minor is accompanied by his/her parent, guardian or other adult person having the care and custody of the minor;

DAYTIME LOITERING ON SCHOOL DAYS

2. The minor is upon an emergency errand directed by his/her parent, guardian or other adult person having the care and custody of the minor.

3. The minor is going directly to or returning directly from his/her place of school-approved employment and the minor has in his/her possession verification of employment;

4. The minor is going directly to or returning directly from a medical appointment and has in his/her possession verification of such medical appointment;

5. The minor has permission to leave campus for lunch and has in his/her possession a valid, school-issued off-campus permit;

6. The minor is attending, going directly to or returning directly from a school sponsored activity, such as a sporting event, field trip, movie or play and the minor has in his/her possession verification of such school sponsored activity; or

7. The minor is going directly to or returning directly from an event or activity that is directly related to any medical condition of a parent, guardian or other adult person having the care and custody of the minor.

Adopted Ordinance 3653 (1996);

25.024 Enforcement procedure.

Upon any violation of section 25.022(a), a peace officer may issue a citation to the minor and may also do one of the following:

1. detain the minor until he or she can be placed in the care and custody of his/her parent, guardian or other adult person having the care and custody of the minor.

2. transport the minor to his/her home;

3. transport the minor to the school from which the minor is absent.

Upon the minor's second and subsequent citations for violation of section 25.022(a), a peace officer may also issue a citation to the minor's parent or guardian for violation of section 25.022(b).

Adopted Ordinance 3653 (1996);

25.025 Infraction -- Penalty.

Violation of section 25.022(a) shall constitute an infraction and may be punishable by a fine not to exceed \$250 and/or by a requirement to perform community service for a total time not to exceed 20 hours over a period not to exceed 30 days, during times other than the minor's hours of school attendance or employment.

Violation of section 25.022(b) shall constitute an infraction and may be punishable by a fine not to exceed two hundred fifty dollars (\$250).

Adopted Ordinance 3653 (1996);

25.026 Hearing requirement -- Parental obligation to attend.

A minor cited for an infraction under this Chapter shall attend a court hearing on the infraction and shall be accompanied at the hearing by his or her parent, legal guardian, or other adult person having the legal care or custody of the minor. If any such parental or custodial person fails to attend the hearing with the minor, and unless the interests of justice would otherwise be served, the court shall continue the hearing and shall issue a citation to the parental or custodial person, directing him/her to appear at the continued hearing with the minor.

DAYTIME LOITERING ON SCHOOL DAYS

At the hearing the minor's parent or guardian shall be advised that the minor was cited for a violation of section 25.022(a). The parent or guardian shall be warned of his/her responsibility and liability under section 25.022(b)

Adopted Ordinance 3653 (1996);

25.027 Cost recovery.

When a minor has been detained by the San Bernardino County Sheriff's Department as a result of the minor's violation of section 25.022(a), the minor's parent or guardian shall be liable for the cost of providing services relating to the detention, processing or supervision of the minor beyond those services normally provided by the Sheriff's Department if:

1. the minor was detained by the Sheriff's Department for a period of time in excess of one hour; and
2. a court of competent jurisdiction finds the minor violated section 25.022(a).

If the parent or guardian is liable under this section for the cost of providing services, the Sheriff's Department may assess and bill the parent or guardian as provided in the fee provisions of the County Code.

Any person receiving a bill for services under this section may, within ten (10) days after the date of the bill, file a written appeal with the Clerk of the Board of Supervisors. The requirement to pay the charges shall be stayed during the pendency of the appeal. Any billing sent pursuant to this section shall notify the billed party of the right to appeal the charges.

The Board of Supervisors shall designate a person to sit as a hearing officer to hear any appeal under this section. At the direction of the hearing officer, notice of the date, time, and place of the hearing shall be mailed to the appellant. The hearing shall be informal and the formal rules of evidence shall not apply. Within ten (10) days after the hearing, the hearing officer shall give written notice of the decision to the appellant. If the appeal is denied in part or in full, all amounts found due to the County shall be paid within thirty (30) days of the notice of the hearing officer's decision.

Adopted Ordinance 3653 (1996);

25.028 Severability.

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held to be invalid, preempted or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors of the County of San Bernardino hereby declares that it would have adopted the ordinance establishing this Chapter and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid, preempted or unconstitutional.

Adopted Ordinance 3653 (1996);

DIVISION 6. GAMBLING

Chapters:

- 1. Cards, Dice and Similar Games**
- 2. Pinball Machines, Marble Machines and Similar Contrivances**

Chapter 1

CARDS, DICE AND SIMILAR GAMES

Sections:

- 26.011 Permitting Illegal Games.
- 26.012 Participation in Illegal Games.

26.011 Permitting Illegal Games.

It shall be unlawful for any person within the County of San Bernardino, outside of any municipal corporation, to keep, maintain, conduct, control, have charge of, be present at or visit any house, room, place or apartment where any game is played, conducted, dealt or carried on with cards, dice, or other device or contrivance for money, checks, chips, credit or any other representative or thing of value.

Adopted Ordinance 3653 (1996);

26.012 Participation in Illegal Games.

It shall be unlawful for any person within the County of San Bernardino, outside of any municipal corporation, to deal, play, carry on, participate in or bet at or against any game which is played, conducted, dealt or carried on with cards, dice, or other device or contrivance for money, checks, chips, credit, or any other representative or thing of value.

Adopted Ordinance 3653 (1996);

Chapter 2

PINBALL MACHINES, MARBLE MACHINES AND SIMILAR CONTRIVANCES

Sections:

- 26.021 Background to Prohibition of Pinball Machines.
- 26.022 Possession or Use of Pinball Machine.
- 26.023 Public Nuisance.
- 26.024 Confiscation and Destruction of Gambling Apparatus.

26.021 Background to Prohibition of Pinball Machines.

In enacting the provisions of this chapter, the Board of Supervisors of the County of San Bernardino hereby finds, determines and declares that within the unincorporated area of the County of San Bernardino there are maintained certain devices described in Section 26.022 hereof, which are capable of and are being used for gambling purposes; that the Grand Jury of the County of San Bernardino, regularly drawn and impaneled for the year 1955, did find, and after an independent comprehensive investigation conducted by the Attorney General of the State of California of the operation of pinball machines and other similar devices situated in San Bernardino County, officially reported:

(a) That throughout San Bernardino County machines of the type prohibited by Section 26.022 hereof are numerous and are operating in general violation of the gambling laws of the State of California;

(b) That the merchants interviewed during the investigation, 90.4 percent admitted making payoffs;

(c) That the proceeds from the machines were divided fifty-fifty between the pinball machine owners and the merchants upon whose premises the machines were installed;

(d) That the wide-spread use of these machines makes enforcement by law enforcement officers of the laws against gambling, impractical;

e) That the operation of these machines constitutes a serious menace to good government; that said Grand Jury recommended the immediate adoption of ordinances banning such machines as public nuisances; that the Board of Supervisors further finds, determines, and declares that the presence and use of such machines for gambling purposes teach and encourage gambling in both minors and adults, foster delinquency and encourage such persons in the commission of unlawful acts for the purpose of obtaining money in order to operate such machines; that the continued presence of such machines in the unincorporated area of this County constitutes a serious problem of law enforcement and is contrary to the public peace, health, safety, morals and general welfare of the people of this County.

Adopted Ordinance 777 (1955);

**PINBALL MACHINES, MARBLE MACHINES AND
SIMILAR CONTRIBANCES**

26.022 Possession or Use of Pinball Machines.

It shall be unlawful for any person, firm, or corporation to keep, maintain, possess or have under control in any place whatever, either as owner, lessee, agent, employee, mortgagee or otherwise, any table game or device commonly known as a "pinball machine," "pin game" or "marble game" or similar device by whatever name known, the operation, use or play of which is controlled by placing therein any coin, plate, disk, plug, key or other device, or by the payment of any fee.

Adopted Ordinance 777 (1955);

26.023 Public Nuisance.

Any machine, contrivance, appliance, device, game, instrument or article kept, maintained, possessed or controlled in violation of Section 26.022 is hereby declared to be a nuisance and shall be subject to abatement as provided in Section 26.024 below.

Adopted Ordinance 777 (1955);

26.024 Confiscation and Destruction of Gambling Apparatus.

Anything declared in Section 26.023 above to be a nuisance as a result of a violation of Section 26.022 above, of which violation any person, firm or corporation has been convicted or has pleaded guilty, shall be destroyed with its contents by the Sheriff of this County after such plea or after judgment of conviction becomes final. If said machine contains money, such money shall be deposited in the County General Fund.

If anything so subject to destruction is in the custody of any court in this County, said Sheriff will apply to said Court for the release of it to him for destruction.

Adopted Ordinance 777 (1955);

TORT CLAIMS

DIVISION 7. POLICE REGULATIONS AND PUBLIC PROTECTION

Chapters:

- 1. Tort Claims**
- 2. False Report to Sheriff**
- 3. Tree Trimming**
- 4. Misdemeanants**
- 5. Abandoned Orchards**
- 6. Elm Leaf Beetle**
- 7. Political Signs**

Chapter 1

TORT CLAIMS

Sections:

- 27.011 Solicitation of Tort Claims - Prohibited.**
- 27.012 Negotiations Between Joint Tort Claimants.**

27.011 Solicitation of Tort Claims - Prohibited.

It shall be unlawful for any person to solicit employment for himself or for any other person, either directly or through some other person acting on his behalf, to prosecute, collect, settle, compromise or to negotiate for settlement, compromise or collection or any tort on behalf of any tort claimant in which he himself has no pecuniary interest arising from such tort.

Adopted Ordinance 406 (1934);

27.012 Negotiations Between Joint Tort Claimants.

The provisions of this chapter shall not be construed to prevent joint tort claimants from negotiating with each other for the purpose of combining respective claims or acts against the tort feisor.

Adopted Ordinance 406 (1934);

Chapter 2

FALSE REPORTS TO SHERIFF

Sections:

27.021 Prohibition.

27.021 Prohibition.

No person shall willfully and intentionally make any false, misleading or unfounded report to the Sheriff's Department of the County of San Bernardino, for the purpose of interfering with the operation of the Sheriff's Department or with the intention of misleading any law enforcement officer.

Adopted Ordinance 516 (1942); Amended Ordinance 726 (1954);

Chapter 3

TREE TRIMMING

Sections:

- 27.031 Accumulation Declared a Nuisance.
- 27.032 Definition of Accumulation.

27.031 Accumulation Declared a Nuisance.

Any accumulation of limbs, branches, prunings, trimmings, stumps and parts of domestic or cultivated fruit trees, cut, removed, fallen or severed from such trees, is hereby declared to be a public nuisance.

Adopted Ordinance 332 (1930);

27.032 Definition of Accumulation.

The word "accumulation" as used in this chapter is hereby defined as any and all limbs, branches, prunings, trimmings, stumps and parts of domestic and cultivated fruit trees, which have been cut, removed, severed or have fallen from such trees and have not been destroyed by burning or otherwise, within ten (10) days after such cutting, removal, severance or falling, including such limbs, branches, prunings, trimmings, stumps and parts of such trees which have been cut, removed, severed or have fallen prior to the adoption of this chapter.

Adopted Ordinance 332 (1930);

MISDEMEANANTS

Chapter 4

MISDEMEANANTS

Sections:

27.041 Violation.

27.041 Violation.

Every person, firm, or corporation who violates any of the provisions of Chapter 3 and 4 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment in the County Jail not exceeding six (6) months, or by both such fine and imprisonment.

Adopted Ordinance 332 (1930);

Chapter 5

ABANDONED ORCHARDS

Sections:

- 27.051 Purpose.
- 27.052 Definitions.
- 27.053 Prohibition of Neglected or Abandoned Orchards.
- 27.054 Notice.
- 27.055 Appeal of Commissioner's Determination.
- 27.056 Removal of Trees.
- 27.057 Legal Action to Compel Removal.

27.051 Purpose.

The Board of Supervisors finds that neglected or abandoned orchards in the unincorporated portion of this County are places where the trees constitute a fire hazard, are places where vagrants or dissolute persons call dwell, are places which constitute ugly and unsightly conditions which adversely affect neighboring property, are places from which agricultural pests develop and spread, and such orchards are public nuisances.

Adopted Ordinance 1472 (1968);

27.052 Definitions.

Whenever in this chapter the following terms are used, they shall mean as follows:

(a) "Commissioner" means the San Bernardino County Agricultural Commissioner and regularly appointed employees of the San Bernardino County Department of Agriculture acting pursuant to his instructions;

(b) "Orchard" means any of ten (10) or more trees that are of the type that bear stone fruits, citrus fruits or pome fruits, situated together as in a grove;

(c) "Neglected or abandoned" means an orchard or part of an orchard, the trees of which being in such a condition that the limbs are moribund and the leaves or branches of which are dead, and that the individual in charge of same is not taking such ordinary care of the orchard as may be required for a harvested orchard and is not watering or discing or spraying such trees, all for a period of at least six (6) months, which period of time need not be continuous.

(d) "Removal" means cutting the trees and gathering the trunks, limbs, and debris in such a manner that the land thereof will contain no limbs or debris, or only such material neatly stacked such as firewood, all only in accordance with the applicable fire code, and in an area of the land set apart for only firewood.

Adopted Ordinance 1472 (1968); Amended Ordinance 1607 (1970);

27.053 Prohibition of Neglected or Abandoned Orchards.

No orchard shall be permitted to be neglected or abandoned, in the unincorporated part of the County of San Bernardino.

Adopted Ordinance 1472 (1968);

ABANDONED ORCHARDS

27.054 Notice.

The commissioner shall give written notice to the record owner of any orchard which the commissioner shall have determined is neglected or abandoned. The notice shall be given by any or all of the following ways:

1. Written notice, by certified mail.
2. By posting the property.
3. By personal service.

The commissioner shall use the best available information of public record for determining ownership and address for such notice, which shall be sufficient regardless of receipt of same. The notice shall describe the orchard in question, shall inform of the commissioner's determination, and shall demand compliance with this ordinance within twenty-eight (28) days. The running of this period of time shall not be stayed. Such notice or a copy of such notice, shall in all cases be mailed to the record owner of the orchard.

Adopted Ordinance 1472 (1968); Amended Ordinance 2994 (1986);

27.055 Appeal of Commissioner's Determination.

Any person who is affected by the notice mentioned in Section 27.054 may appeal to the Board of Appeals within the time for compliance with the order, by an appeal in writing filed with the issuing officer or department supervisor of such officer. Timely appeal shall stay any further action until the date set for hearing. The officer receiving the written appeal shall inform the issuing officer, who shall set the matter for hearing before the Board of Appeals and notify the appellant of the date set for such hearing, at least fifteen (15) days prior to such date. If the appellant resides outside the County, the above period of notice shall be at least twenty-five (25) days. The Board of Appeals shall act on the appeal and its determination shall be conclusive. The Board of Appeals shall consist of five (5) persons, and shall be comprised as follows: one member shall be an officer of the department of the issuing officer, but not the issuing officer; one member shall be a deputy of the agency administrator of the County Agency which serves the department of the issuing officer; one member shall be a deputy of the County Counsel; and two members shall be selected directly by the Board of Supervisors. These two members shall be persons selected from individuals who have a background as an orchardist, or as a member of the Farm Bureau of San Bernardino County, or as an academician whose field was, or is, agriculture.

Adopted Ordinance 1472 (1968); Amended Ordinance 2058 (1976);

27.056 Removal of Trees.

Unless otherwise determined by the Board of Appeals as provided in Section 27.055, above, the orchard in question shall be brought into conformance with the requirements of this chapter, by removal of all neglected or abandoned trees within twenty-eight (28) days after the sending of written notice as provided above, or, in cases of appeal to the Board of Appeals, within twenty-eight (28) days of the sending of written notice to the appellant of that Board's decision. If there is not compliance within that period of time, the owner or any other person in charge of, or in possession of the orchard, who shall have received notice hereof, shall be guilty of a misdemeanor. Each period of one (1) week thereafter, during which time the orchard is not in compliance with this part, shall constitute a separate misdemeanor.

Adopted Ordinance 1472 (1968); Amended Ordinance 2058 (1976);

27.057 Legal Action to Compel Removal.

The Commissioner shall cause any orchard hereof to be brought into compliance with this chapter after the expiration of twenty-eight (28) days after the last notice is sent to the applicant, either the notice to remove or the notice of the determination of the Board of Appeals. The compliance shall be achieved as reasonably and economically as possible in accordance with the discretion of the Commissioner. The County Auditor shall pay the cost of such compliance from the funds of the Agricultural Commissioner. The total cost of such compliance shall be computed and an administrative fee of twenty percent (20%) of such cost shall be added thereto. A bill for the entire sum of the costs and administrative fee shall be mailed to the record owner of such orchard and a copy shall be sent to the County Auditor. The bill shall include an itemized statement covering the work necessary for such removal. If the record owner of the orchard or his agent does not pay the bill within thirty (30) days after said mailing, the Commissioner shall certify to the Auditor the demands remaining unpaid on said bill together with any information required by law in such cases. The County Auditor shall cause the amount of the same to be entered on the tax roll as a special assessment and tax lien on the property from which removal was accomplished. The special assessment shall be included on the next succeeding tax statement. Thereafter the amounts of the assessment shall be collected at the same time and in the same manner as County taxes are collected, and shall be subject to the same penalties, and the same procedure and sale in cases of delinquencies as provided in ordinary taxes. All or any portion of such special assessment, penalty, or costs entered shall on order of the Board of Supervisors be cancelled by the Auditor if uncollected or refunded by the County Treasurer under order of the Board of Supervisors, if assessment, penalty, or costs were entered, charged or paid:

- (a) More than once;
- (b) Through clerical error;
- (c) Through the error or mistake of the Board of Supervisors or of the Commissioner in respect to any material fact including the case where the costs rendered shows the County abated the orchard, but such was not the fact;
- (d) Illegally;
- (e) On property acquired after the lien by the State or any city, county, school district, or other political subdivision and because of this public ownership not subject to sale for delinquent taxes.

ABANDONED ORCHARDS

No order for refund under the foregoing shall be made except on a claim verified by the person who paid the special assessment or the representative of such person or his estate and said claim is filed within three (3) years after making the payment to be refunded.

The above cancellation or refund shall be determined upon by the Board of Appeals pursuant to appeals procedures similar to, and functioning in the same manner as the appeals procedures set forth in Section 27.055, above.

Adotped Ordinance 1472 (1968); Amended Ordinance 1607 (1970); Amended Ordinance 2058 (1976);

Chapter 6

ELM LEAF BEETLE

Sections:

- 27.061 Purpose.
- 27.062 Spraying.
- 27.063 Publication; Decision as to Whether Nuisance Exists.

27.061 Purpose.

(a) The Board of Supervisors finds that there exists a large number of elm trees in that area north and east of the San Bernardino Mountains generally known as the desert area in the unincorporated part of the County. That these are shade trees, and are an important constituent of the factors of property value in that area, and greatly contribute to the quiet enjoyment of land.

(b) The Board further finds that the elm tree population is threatened every spring and summer with destruction or serious damage and loss from the elm leaf beetle, an insect which comes into unusually high numbers of epidemic proportion during said seasons of the year.

(c) That unless concerted action is taken to combat the elm leaf beetle in the spring of each year, the entire area will be threatened with a loss of economic value and a lessening of comfort and enjoyment in the use of land.

Adopted Ordinance 1556 (1970);

27.062 Spraying.

(a) All elm trees in that area north and east of the San Bernardino Mountains generally known as the desert area in the unincorporated part of the County shall be sprayed with an insecticide material such as Sevin or a similarly effective chemical approved by the Agricultural Commissioner of San Bernardino County hereinafter described as the "Commissioner."

(b) The spraying hereof shall take place at a date no later than the twentieth day of June each year. Documentary proof that spraying of all elm trees on each parcel has been accomplished shall be submitted to the Commissioner by the party having possession or control of each parcel containing any such trees, and shall be submitted on or before the above date each year. The proof may include, but not be limited to, a declaration under penalty of perjury that such spraying has been accomplished.

(c) In all cases where no such documentary proof has been submitted to the Commissioner as stated supra, the Commissioner shall accomplish such spraying on each such particular parcel at a date within a reasonable time after the above date but in no event later than three (3) months from said date. In those cases where the Commissioner accomplishes the spraying, the cost of all such spraying shall be borne by the County or San Bernardino and not by the person in possession or control of the parcel; only trees infested or likely to be infested shall be sprayed.

Adopted Ordinance 1556 (1970);

ELM LEAF BEETLE

27.063 Publication; Decision as to Whether Nuisance Exists.

(a) The ordinance codified in this chapter shall be published twice in a period of two (2) weeks, all prior to the twentieth day of May, 1971, in the San Bernardino Sun, a newspaper of general circulation, in the infested area with the names of the members of the Board of Supervisors voting for and against the same.

(b) Should the Commissioner be prevented by the individual in control or possession of the property from accomplishing such spraying, the allowing of the existence of this pest would be a public nuisance and the Commissioner may then proceed under Title 3, Division 7, Chapter 1 (beginning with Section 37.011), of the San Bernardino County Code to abate such a nuisance.

(c) The Commissioner shall, in the spring of each year prior to the operation of the provisions of this section, make a determination whether or not the elm leaf beetle is in fact a nuisance as described above, in that particular year. In the event the Commissioner finds that no such nuisance exists for that year, he shall so report to this Board of Supervisors and no spraying as described in this chapter, shall be required for that year.

Adopted Ordinance 1556 (1970);

POLITICAL SIGNS

Chapter 7 - 27.071 - 27.073

POLITICAL SIGNS

Sections:

Repealed by Ordinance 3596 (1995)

CHAPTER 8
CRIMINAL RECORDS REVIEW BOARD

Sections:

- 27.081 Establishment of Criminal Records Review Board.
- 27.082 Consideration of Applicant Request.
- 27.083 Quorum.
- 27.084 Decision of Board.
- 27.085 Correction of Records.

27.081 Establishment of Criminal Records Review Board.

Pursuant to California Penal Code Section 13324(c), the Criminal Records Review Board is hereby established. The Criminal Records Review Board shall consist of three members of the San Bernardino County Sheriff's Office: The Commander of the Records and Identification Division, or in his absence, a lieutenant of that division; the Area Inspector of the Records and Services Divisions, or at the direction of the Sheriff another inspector, or in the absence of the Sheriff, his delegated authority may appoint another inspector in the absence of the Area Inspector; the Commander for the Central Detective Division, or in his absence, a lieutenant of that division. The chairperson of the Board shall be an inspector.

Adopted Ordinance 2492 (1980);

27.082 Consideration of Applicant Request.

Upon request of an applicant, the Board shall consider allegations of inaccuracy or incompleteness in the criminal record of said applicant which have been denied by the Records Division of the San Bernardino County Sheriff's Office.

Adopted Ordinance 2492 (1980);

27.083 Quorum.

A quorum shall consist of two members of the Board.

Adopted Ordinance 2492 (1980);

27.084 Decision of Board.

A decision of the Board shall be made by concurrence of two members. The Board may either deny or concur in the allegation of the applicant. The Board shall make its decision and shall inform the applicant in writing of said decision within thirty days of the receipt of the referral from the applicant.

Adopted Ordinance 2492 (1980);

27.085 Correction of Records.

If the Board concurs in the allegations of the applicant, it shall direct the Records Division to make the corrections pursuant to California Penal Code Section 13324(b).

Adopted Ordinance 2492 (1980);

Chapter 9

POLICE DOGS

Section:

27.091 Unlawful Acts.

27.091 Unlawful Acts.

It is unlawful and a misdemeanor for any person, in the unincorporated area of the County of San Bernardino, in a manner not otherwise prohibited by California Penal Code Section 597, to tease, harass, agitate, provoke, beat, kick, strike, injure, or in any way interfere with any dog being used by any law enforcement officer in the performance of his or her official duties.

Adopted Ordinance 2881 (1980);

Chapter 10

DISTRIBUTION OF FUNDS FROM FORFEITURES AND SEIZURES

Sections:

- 27.101 Operation of Health and Safety Code § 11509.
- 27.102 Funds Subject to Distribution.
- 27.103 Eligible Organizations.
- 27.104 Claims.
- 27.105 Allocation Provisions.
- 27.106 Reports to Board of Supervisors.
- 27.108 Effective Date.

27.101 Operation of Health and Safety Code § 11509.

The provisions of California Health and Safety Code Section 11509 shall be operative within the County of San Bernardino.

Adopted Ordinance 3199 (1987);

27.102 Funds Subject to Distribution.

The forfeited funds subject to distribution pursuant to Section 11489(b)(2)(D) of the Health and Safety Code and which are derived by the County of San Bernardino from seizures and forfeitures made pursuant to Article 8 of the California Health and Safety Code (commencing with Section 11470), and which have occurred as a result of information provided to law enforcement agencies by nonprofit organizations established for the purpose of aiding those seizures and forfeitures, shall be allocated to eligible organizations in accordance with the provisions of this chapter.

Adopted Ordinance 3199 (1987);

27.103 Eligible Organizations.

"Eligible organization" for the purposes of this chapter means: (1)an organization whose primary purpose is to aid state and local law enforcement agencies in conducting criminal investigations by directly relaying information concerning criminal activity to such law enforcement agencies, and (2) such organization has qualified as exempt from state and federal taxation under the Nonprofit Public Benefit Corporation Laws of the State of California and Section 501(c)(3) of the Internal Revenue Code.

Adopted Ordinance 3199 (1987);

27.104 Claims.

All claims for forfeited funds initiated pursuant to this chapter shall be submitted to the District Attorney of the County of San Bernardino. Such claims shall be accompanied by a written declaration under oath, prepared by the investigating officer of the law enforcement agency seizing such funds, verifying that:

- (a) The information provided by the claimant organization was specific and factual;

**DISTRIBUTION OF FUNDS FROM FINES
AND FORFEITURES**

(b) The information provided was received and utilized by the law enforcement agency; and

(c) The receipt of such information resulted in the seizure of the forfeited funds for which the claim is made.

Adopted Ordinance 3199 (1987);

27.105 Allocation Provisions.

(a) The District Attorney of the County of San Bernardino shall allocate and distribute forfeited funds as he or she determines in accordance with the provisions of this chapter, except that:

(1) No allocation shall be made to an organization other than an eligible organization as defined in this chapter.

(2) No forfeited funds shall be distributed pursuant to this chapter until:

(A) The superior court shall issue an order of forfeiture and judgment of such funds in a judicial proceeding, or

(B) The Attorney General of California or the District Attorney of the County of San Bernardino shall issue a written declaration of forfeiture of such funds in an administrative forfeiture proceedings permitted by statute.

(3) If two or more organizations provide information to a law enforcement agency, and such information is utilized by the law enforcement agency to obtain an order of forfeiture or a declaration of forfeiture, the forfeited funds available for distribution shall be divided equally among all eligible organizations making a claim under such order or declaration.

(b) The District Attorney of the County of San Bernardino may adopt such additional rules and regulations as may be necessary to establish guidelines for the processing of forfeiture claims, provided such rules and regulations are consistent with the provisions of this chapter.

Adopted Ordinance 3199 (1987);

27.106 Reports to Board of Supervisors.

The District Attorney of the County of San Bernardino shall report to the Board of Supervisors of the County of San Bernardino at least quarterly the name and address of each nonprofit organization which received an allocation under this chapter and the amount given to the organization.

Adopted Ordinance 3199 (1987);

**DISTRIBUTION OF FUNDS FROM FINES
AND FORFEITURES**

27.107 Effective Date.

The provisions of this chapter shall be applicable to the distribution and allocation of revenues received by the County of San Bernardino subsequent to the effective date of this chapter.

Adopted Ordinance 3199 (1987);

Chapter 11

REPLICA FIREARMS

Sections:

- 27.111 Replica Firearms -- Display for Sale and Sale Prohibited.
- 27.112 Penalty for Violation.

27.111 Replica Firearms -- Display for Sale and Sale Prohibited.

(a) No person shall display for sale or sell a replica or facsimile of a firearm within the unincorporated area of the County.

(b) As used in this chapter, the meaning of the term "firearm" shall be the same as the meaning of that term under the "Dangerous Weapons' Control Law" located at Section 12000 et seq. of the Penal Code of the State of California. A "replica or facsimile of a firearm" shall include any device or object made of plastic, wood, metal or any other material, which can reasonably be perceived to be an actual firearm, but is not an actual firearm. Such term does not include any nonfiring replica of an antique firearm, the original of which was designed, manufactured and produced prior to 1898.

Adopted Ordinance 3229 (1988);

27.112 Penalty for Violation.

Any person, corporation, firm or association of persons who violates the provisions of this chapter shall be guilty of a misdemeanor, punishable in accordance with the provisions of § 11.021 of this Code.

Adopted Ordinance 3229 (1988);

Chapter 12

REGULATION OF EPHEDRINE PURCHASES

Sections:

- 27.121 Legislative Purpose
- 27.122 Definitions
- 27.123 Limitation on Sales
- 27.124 Penalties

27.121 Legislative Purpose.

(a) The Board of Supervisors of the County of San Bernardino finds that there is a current and immediate threat to the public health, safety and welfare in that the manufacture, processing, transportation, possession and sales of illicit narcotics and drugs are inherently dangerous and that chemicals, compounds, substances, byproducts and wastes which are associated with the manufacture of illicit narcotics and drugs are both dangerous and injurious to the health, welfare and safety of the citizens of the County of San Bernardino.

(b) The Board of Supervisors of the County of San Bernardino finds that there has been a dramatic increase of sales, reports of sales, thefts and possession of over-the-counter drugs which contain substances known as ephedrine, pseudoephedrine, hydrochloride, ephedrine hydrochloride, and pseudoephedrine sulfate, along with other substances and products associated with the manufacture of methamphetamine, and that retailers are regularly victimized by those persons who steal these substances, drugs and products on a regular basis.

(c) The Board of Supervisors of the County of San Bernardino finds that the general public does not normally purchase the described products in multiple quantities and it is not the Board of Supervisor's intent to restrain legitimate businesses or customers from selling or purchasing the described products.

(d) No provisions of this Chapter shall hinder or supersede any other applicable state or federal statute.

Adopted Ordinance 3700 (1997);

27.122 Definitions.

The following definitions apply to this Chapter.

(a) "Ephedrine" means any drug, substance or compound, whether legal or illegal that contains ephedrine hydrochloride, pseudoephedrine sulfate, pseudoephedrine hydrochloride, pseudoephedrine or ephedrine.

(b) "Retailer" means any single geographic location of any retail business, company, corporation, person, employee, or associate who furnished, distributes, sells, or gives away products as described in this section.

(c) "Customer" means any person who purchases or acquires the products described in this section, or persons who are present for the purchase or acquisition of the products described in this section.

(d) "Sell" means to furnish, give away, exchange, transfer, deliver, surrender, or supply, whether for monetary gain or not.

REGULATION OF EPHEDRINE PURCHASES

(e) "Count" means the number of pills, tablets, capsules or individual units of a substance contained within an individual package, box or container.

Adopted Ordinance 3700 (1997);

27.123 Limitation on Sales

(a) No retailer shall sell to a single customer more than three packages, per transaction, of a product containing ephedrine. No retailer shall sell to a single customer, per transaction, products containing ephedrine where the total counts exceeds 100.

(b) No customer shall acquire more than three packages, per day, of a product containing ephedrine. No customer shall acquire, per day, products containing ephedrine where the total count exceeds 100.

Adopted Ordinance 3700 (1997);

27.124 Penalties.

Any person, customer, or retailer violating any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$1,000 or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

Adopted Ordinance 3700 (1997);

Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors declares that it would have enacted this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of any determination of invalidity.

Adopted Ordinance 3700 (1997);

Chapter 13

COURTHOUSE SECURITY

SECTIONS:

- 27.1301 Findings.**
- 27.1302 Definitions.**
- 27.1303 Restricted Entry.**
- 27.1304 Penalty for Violation.**

27.1301 Findings.

The Board of Supervisors finds and determines:

- (a) The San Bernardino County Sheriff is charged with providing security at the courthouses located within the County of San Bernardino.
- (b) In order to detect weapons and other illegal devices, metal detection equipment and/or other resources have been placed at County courthouses by the San Bernardino County Sheriff's Department and the Courts.
- (c) On numerous occasions individuals have attempted to enter County courthouses with weapons and other illegal devices, have attempted to bypass security screening equipment and other perimeter security resources, or have otherwise refused to stop and submit to a search by security personnel.
- (d) Persons who attempt to circumvent courthouse metal detectors or perimeter security pose a heightened risk of entering the courthouse with weapons and other illegal devices, thereby placing court personnel and the public in danger of violent activity.
- (e) The County Board of Supervisors desires to create criminal penalties for those who circumvent or attempt to circumvent courthouse security measures.

27.1302 Definitions.

As used in this Chapter, the following terms shall have the following meanings:

- (a) "Courthouse" means any courthouse located in the County of San Bernardino.
- (b) "Entry Screening Area" means (1) an entry area or main entryway that contains a metal detector, or (2) for any Courthouse that does not contain a metal detector, an entry area or main entryway designated as an Entry Screening Area by signs posted at the facility.
- (c) "Weapon" means a firearm, knife, taser, stun gun or similar weapon or device as defined in California Penal Code section 171b, 244.5, 12020, 12401 or 12402, as well as a knife or similar-type weapon with a blade over two inches long.

27.1303 Restricted Entry.

- (a) Each person entering a Courthouse shall enter by means of a designated Courthouse Entry Screening Area and must either submit his or her person and property to a screening for weapons or immediately leave the Courthouse and its grounds. This subdivision shall not apply to any peace officer entering a Courthouse on official business and not present as a party to an action who displays a current, valid, official photographic identification issued by a governmental law enforcement agency, except for good cause otherwise reasonably appearing to a weapons screener to conduct a weapons search of a peace officer. This subdivision shall also not apply to any person who has been specifically authorized by the San Bernardino County Superior Court to be currently exempted from Courthouse entry screening requirements entering a Courthouse on official business and not present as a party to an action who displays a current, valid, official photographic identification authorized for Courthouse entry by the San Bernardino County Superior Court, except for good cause otherwise reasonably appearing to a weapons screener to conduct a Weapons search of such a person. Notwithstanding the above, a peace officer or currently-exempt person entering a Courthouse as a party to an action shall be subject to entry and screening for Weapons via the Courthouse Entry Screening Area.
- (b) It is unlawful for any person to breach, defeat, bypass, or tamper, or attempt to breach, defeat, bypass, or tamper, with any mechanism, system or facility installed to prevent, bar, screen, or restrict access to a Courthouse or to a Courthouse Entry Screening Area with the intent to circumvent entry screening, or to aid or attempt to aid another in such a breach, defeat, bypass, or tampering, or attempted breach, defeat, bypass, or tampering.
- (c) It is unlawful for any person to enter or exit a Courthouse with the intent to circumvent or aid another to circumvent a Courthouse Entry Screening Area, by way of any access door, hallway, or entryway posted as "restricted" or "no access," unless expressly permitted to do so by a Sheriff's Deputy or designee whose formal duties and responsibilities include security of a Courthouse.
- (d) It is unlawful for any person who refuses to submit his or her person and property to a screening for Weapons to refuse to immediately leave the Courthouse and its grounds.
- (e) The provisions of this Chapter are in addition to the authority of the Sheriff to regulate parties and shall supplement, and not supplant, the exercise of any other law including, but not limited to, arrest or citation pursuant to the California Penal Code or local law.

27.1304 Penalty for Violation.

REGULATION OF EPHEDRINE PURCHASES

Any person violating any provision of this Chapter shall be guilty of an infraction or misdemeanor as hereinafter specified. Any person so convicted shall be: guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) and not less than fifty dollars (\$50.00) for the first offense, unless that offense includes moving past a Courthouse Entry Screening Area when directed not to do so by a weapons screener or Sheriff's Deputy, in which case the first offense shall constitute a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment; guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) and not less than one hundred dollars (\$100.00) for a second offense, unless that offense includes moving past a Courthouse Entry Screening Area when directed not to do so by a weapons screener or Sheriff's Deputy, in which case the second offense shall constitute a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. The third and any additional offenses shall constitute misdemeanors and shall each be punishable by a fine not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

Adopted Ordinance 3921 (2004),

LAND

DIVISION 8. PROPERTY PROTECTION

Chapters:

1. Land.
2. Buildings.
3. San Bernardino County Regional Parks.
4. Motorcycles and Off-the-road Vehicles.
5. Trespass.
6. Access: Cucamonga Canyon.
7. Graffiti Suppression.

Chapter 1

LAND

Sections:

- 28.011 Posted Property.

28.011 Posted Property.

Any property may be posted against trespass in the manner provided in Section 28.011, subsection (a) hereof and thereby become "posted property" subject to the provisions of this chapter applicable to posted property, if such property be used, or be designed to be used, for any one or more of the following purposes:

(1) An oil well, oil field, tank farm, refinery, compressor plant, absorption plant, pipeline, pumping station, or reservoir, used for the extraction, treatment, handling, storage or transmission of oil, gas, gasoline, petroleum, or any product or products thereof;

(2) A gas plant, gas storage station, gas meter or regulator station, gas odorant station, gas pipeline, or appurtenances, or any other property used in the transmission or distribution of gas;

(3) A reservoir, dam, generating plant, receiving station, distributing station, transformer, transmission line, or any appurtenances, used for the storage of water for the generation of hydro-electric power, or for the generation of electricity by water or steam or by any other apparatus or method suitable for the generation of electricity, or for the handling, transmission, reception, or distribution of electric energy;

(4) The transmission of telegraphic or telephonic messages;

(5) A dam, reservoir, pumping plant, aqueduct, canal, tunnel, siphon, conduit, or any other structure, facility or conductor for storing, diverting, conserving, treating or conveying water for public use;

(6) The production, storage or manufacture of munitions, potash, soda ash, borax, cement, chemicals, dynamite, giant powder, gun powder or other explosives;

(7) A railroad bridge, railroad tunnel, railroad shops, railroad yard, or other railroad facility;

(8) A hanger or mechanical shop used in connection with the training of cadet flyers for the United States Government or any of the armed services thereof;

(9) Any use appurtenant to or incidental to any of the uses above described.

(a) POSTED PROPERTY - MANNER OF POSTING. Any property of a class or classes described in Section 28.011 of this chapter may be posted against trespass in the following manner:

LAND

(1) Any such property, if it be not enclosed within a fence and if it be of an area not exceeding one (1) acre, and if it have no lineal dimension exceeding one (1) mile, by posting "No Trespass" signs at each corner of the area so posted and at each entrance thereto;

(2) Any such property, if it be not enclosed within a fence and if it be of an area exceeding one (1) acre or if it contain any lineal dimension exceeding one (1) mile, by posting "No Trespass" signs along or near the exterior boundaries of the area so posted at intervals of not more than 600 feet and also at each corner thereof, and if such property have definite entrance or entrances thereto at each such entrance;

(3) Any such property, if it be enclosed within a fence and if it be of an area not exceeding one (1) acre and if it have no lineal dimension exceeding one (1) mile, by posting "No Trespass" signs at each corner of such fence at each entrance thereto;

(4) Any such property, if it be enclosed within a fence and if it be of an area exceeding one (1) acre or if it have any lineal dimension exceeding one (1) mile, by posting "No Trespass" signs on, or along the line of, such fence at intervals of not more than six hundred (600) feet and also at each corner thereof and at each entrance thereto;

(5) Any such property, if it consist of poles or towers or appurtenant structures for the suspension of wires or other conductors for conveying electricity or telegraphic or telephonic messages, by affixing upon two or more sides of such poles or towers "No Trespass" signs, but such posting shall render only the pole or tower or appurtenant structure "posted property."

(b) DEFINITION OF WORDS AND PHRASES. The following terms used in this article shall, unless the context clearly indicates otherwise, have the respective meanings herein set forth, namely:

(1) The term "No Trespass Sign" shall mean a substantial sign affixed not less than three (3) feet nor more than six (6) feet above the ground level at the place of posting, as specified in Section 28.011, subsection (a) of this chapter, which sign shall consist of wood, metal, or other substantial material, with a face of not less than one (1) square foot in area and upon which, in letters not less than two (2) inches in height either in black against a white background or white against a black background, appear the words "No Trespass."

(2) The term "posted property" means any property of a class specified in Section 28.011 of this chapter which shall have been posted in a manner provided in Section 28.011, subsection (a) of this chapter.

(3) The term "posted boundary" shall mean a line running from "No Trespass" sign to "No Trespass" sign and such line need not conform to the legal boundary or legal description of any lot, parcel or acreage of land, but only the area within the "posted boundary" shall constitute "posted property," except as otherwise provided in Section 28.011, subsections (a)(5) hereof.

(c) VIOLATION -- POSTED PROPERTY. It is unlawful and a misdemeanor to enter upon or go across any "posted property" without the written permission of the owner, tenant, or occupant in legal possession or control thereof. Every person who so enters upon such "posted property" without such written permission is guilty of a separate offense for each day during any portion of which he or she enters upon or goes across or remains upon such "posted property."

(d) VIOLATION - DESTROYING "NO TRESPASS" SIGNS. Every person is guilty of a misdemeanor who, without authority, tears down, defaces or destroys any "No Trespass" sign posted under the provisions of this chapter.

LAND

(e) EXEMPTIONS TO THE APPLICATION OF THIS CHAPTER. This article does not apply to any entry, in the course of duty, of any peace officer or other duly authorized public officer, nor does it apply to the lawful use of an established and existing right-of-way for public road purposes.

Adopted Ordinance 486 (1940); Amended Ordinance 487 (1940); Amended Ordinance 3096 (1986);

Chapter 2

BUILDINGS

Sections:

- 28.021 Unlawful Entry.
- 28.022 Unlawful Occupancy.

28.021 Unlawful Entry.

It shall be unlawful in the County of San Bernardino and outside of incorporated municipalities, for any person or persons to enter into any house, cabin or other building designed and intended to be used as a dwelling house, with intent to occupy the same, without the knowledge, consent and permission of the owner of such building or without the knowledge, consent and permission of the person or persons having the control, custody and right of possession of such building.

28.022 Unlawful Occupancy.

It shall be unlawful in the County of San Bernardino and outside of incorporated municipalities, for any person or persons to occupy or live in any house, cabin or other building designed and intended to be used as a dwelling house, without the knowledge, consent and permission of the owner of such building or without the knowledge, consent and permission of the person or persons having the control, custody and right of possession of such building.

Chapter 3

SAN BERNARDINO COUNTY REGIONAL PARKS

Sections:

- 28.031 Scope.
- 28.032 Definitions.
- 28.033 Authority of Director and Park Rangers.
- 28.034 Boating and Waterways.
- 28.035 Permit Required.
- 28.036 Vehicle Use.
- 28.037 General Use Regulations.
- 28.038 Denial of Entry.

28.031 Scope.

(a) The provisions of this Chapter shall be applicable to all Regional Parks owned or operated by the County of San Bernardino. Each Regional Park shall be conducted as a public facility for recreational use and associated activities, and shall be open for public use between the hours of daybreak and dusk, or as posted, unless otherwise restricted by the Director or as specified by an agreement approved by the Board of Supervisors.

(b) These provisions are not intended to amend, modify, or supersede any provisions of federal or state law, or any specific contractual agreement of the County with which they may conflict, provided that these provisions shall be interpreted, insofar as is possible, in such manner that no conflict shall exist.

(c) Nothing contained in this Chapter shall make it a violation for County employees to perform work on Regional Parks at the time and in the manner assigned by the Director.

Adopted Ordinance 1441 (1968); Renumbered Ordinance 1610 (1970); Amended Ordinance 3254 (1988);

28.032 Definitions.

As used in this chapter, the following definitions apply:

(a) "Park" or "Regional Park" means each Regional Park owned or operated by the County of San Bernardino, except when otherwise specifically noted. It includes all property within the boundaries of the park.

(b) "Board" means the Board of Supervisors of the County of San Bernardino.

(c) "Director" means the Director of the Regional Parks Department of the Environmental Public Works Agency of the County of San Bernardino.

(d) "Person" means any individual, firm, co-partnership, corporation, company, association, organization, joint stock association or body politic; and includes any trustee, receiver, assignee or other similar representative thereof.

(e) "Park Ranger" or "Ranger" shall be deemed to mean and include the Director and any Regional Parks Department employee so appointed by the Director.

(f) "Department" means the Regional Parks Department of the Environmental Public Works Agency of the County of San Bernardino.

(g) "Alcoholic Beverage" includes alcohol, spirits, liquor, wine, beer and every liquid or solid which contains one-half of one percent or more of alcohol by volume and which may be consumed either alone or when mixed, diluted or combined with other substances.

Adopted Ordinance 1441 (1968); Renumbered Ordinance 1610 (1970); Amended Ordinance 3254 (1988);

28.033 Authority of Director and Park Rangers.

(a) The Director shall have the authority to establish policies, rules, orders and directives which are not inconsistent with this Chapter. The Director is empowered to post signs or employ other markings at any Park which state or apply to this chapter and any policies, rules, orders, or directives adopted pursuant to this chapter.

(b) The Director and any Park Ranger is empowered to revoke the permit of any person who violates any provision of this chapter or any rules, orders, or directives adopted pursuant to this chapter.

Adopted Ordinance 1441 (1968); Renumbered Ordinance 1610 (1970); Amended Ordinance 3254 (1988);

28.034 Boating and Waterways.

(a) Inflatable boats, inner tubes, or rubber rafts are not allowed on Regional Park lakes, except as designated.

(b) Boats shall be operated and docked only in designated areas. Motorized boats with gas engines are not permitted at any Regional Park lake, except within the Moabi Regional Park marina. Motorized boats shall not exceed speed in excess of five (5) miles per hour.

(c) All persons twelve (12) years of age and under shall wear a Coast Guard-approved vest-type personal flotation device at all times while using pedalboats, aquacycles, rowboats, motorized boats or other water crafts on any Regional Park lake or waterway. All persons over twelve (12) years of age shall have a Coast Guard-approved personal flotation device at all times while using pedalboats, aquacycles, rowboats, motorized boats, or other water crafts on any Regional Park lake or waterway.

Adopted Ordinance 1441 (1968); Renumbered Ordinance 1610 (1970); Amended Ordinance 3254 (1988);

28.035 Permit Required.

(a) No person shall enter any Regional Park, operate any boat or vehicle therein, camp, picnic, ride horseback, swim, hike, or build or maintain a campfire therein, without first obtaining from the County a permit to do so and paying any fee as may be established from time to time by the Board of Supervisors.

(b) Any permit issued pursuant to subsection (a) of this section may be revoked at any time without refund of any fee paid, for any violation of this chapter, any rules, orders or directives adopted pursuant to this chapter, or of other applicable local, State, or Federal law.

SAN BERNARDINO COUNTY REGIONAL PARKS

(c) Any person whose permit has been revoked by the Director or any Park Ranger shall immediately leave the Park and shall not return to the same Park for the remainder of the calendar day.

Adopted Ordinance 1441 (1968) Renumbered Ordinance 1610 (1970);
Amended Ordinance 3254 (1988);

28.036 Vehicle Use.

No person shall, within any Regional Park:

(a) Operate any vehicle at a speed in excess of the posted speed limit, or operate any vehicle except upon established public roads and within parking lots, unless otherwise approved by the Director.

(b) Operate any motor vehicle without a muffler system conforming to the provisions of the California Vehicle Code.

(c) Cause or permit any vehicle to occupy or be parked in a campsite except as authorized by the Director.

(d) Park and leave unattended any vehicle in areas other than those designated for parking. Vehicles left unattended in areas not so designated, or in other areas without permission, may be towed away and stored by the County and said removal and storage costs shall be charged to and paid by the owner prior to release.

(e) Operate an off-road vehicle except in designated areas established by the Director.

(f) Ride a bicycle except on the designated roadways, parking lots, or bicycle paths within the park.

Adopted Ordinance 3254 (1988);

28.037 General Use Regulations.

No person shall, without permission of the County, within a Regional Park:

(a) Camp, picnic, hike, fish, swim, or build or maintain a fire, campfire, flame burning device used for any reason whatsoever, or engage in any activity except in areas specifically designated for that purpose.

(b) Camp or occupy a campsite for more than fourteen (14) days in any thirty (30) day calendar period at any Regional Park, except designated areas.

(c) Occupy any designated campsite with the occupants of more than one (1) vehicle, which in no circumstances shall exceed a total of six (6) persons at any campsite without an additional permit, except designated group camp sites.

(d) Occupy any designated campsite unless at least one person in the campsite group is 18 years of age or older.

(e) Fish, without possessing and displaying to any Park Ranger upon request, a valid California State fishing license.

(f) Fish, except in designated areas and only during the *established* park hours.

(g) Leave unattended any child, eight (8) years of age or under, unless such child is accompanied by a person sixteen (16) years of age or older.

(h) Pick flowers, foliage, berries or fruits, or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, fern, grass, turf, fence, structure or any other object.

(i) Cut, carve, paint, mark, paste or fasten on any tree, fence, wall, building, monument or other object, any bill, advertisement, or inscription.

SAN BERNARDINO COUNTY REGIONAL PARKS

(j) Dig up or remove any dirt, stones, rocks, or other substance whatever, make any excavation, quarry any stone, or lay or set off any blast or cause or assist in doing any of said things.

(k) Molest, injure, or kill any bird or mammal, or disturb its habitat.

(l) Despoil, place, or leave any broken glass, ashes, wastepaper, cans or other rubbish or polluted matter, except in a receptacle provided for that purpose.

(m) Bring into any Park any broken glass, ashes, wastepaper, cans, or other rubbish or polluted matter.

(n) Possess, discharge, or set off, over, onto, or through any Regional Park any firearms, firecrackers, torpedoes, rockets, air guns, slingshots, BB guns, or other explosives or fireworks, except as permitted under the rules for the Prado Tiro Shooting Range.

(o) Permit any animal to enter, swim, or bathe in any lake, pond, or swim area located within a Regional Park.

(p) Ride, lead, or tie any horse, or other large animal, except in areas designated for such use.

(q) Engage in soliciting, selling, or peddling any goods or services or to distribute any circulars.

(r) Bring into a designated swim area any object including, but not limited to, glass, which, if broken, could cause injury.

(s) Use any personal flotation device which is not Coast Guard-approved, except at Moabi Regional Park.

(t) Possess or consume alcoholic beverages within designated swim areas or on the Main Street of Calico Ghost Town Regional Park.

(u) Operate a radio or remote controlled boat or airplane except in designated areas, with liability insurance in the amounts established by the Director, and with a retrieval boat during any operation of radio or remote controlled boats.

Adopted Ordinance 3254 (1988);

28.038 Denial of Entry.

Any person who in the course of any calendar year has any permit(s) revoked and/or is convicted of violating any provision(s) of this Chapter a total of three (3) or more times, shall be denied entry to and use of all Parks for the remainder of the same calendar year.

Adopted Ordinance 3254 (1988);

Chapter 4

OFF-HIGHWAY MOTOR VEHICLE USE

Sections:

- 28.041 Repealed by Ordinance 3096.
- 28.042 Repealed by Ordinance 3973 (2006)
- 28.043 Repealed by Ordinance 3973 (2006)
- 28.044 Repealed by Ordinance 3973 (2006)
- 28.045 Repealed by Ordinance 3973 (2006)

Sections:

- 28.0401** Definitions.
- 28.0402** Applicability.
- 28.0403** Operating Without Permission on Private or Public Property Prohibited.
- 28.0404** Staging; Permit Required.
- 28.0405** Noise Limits.
- 28.0406** Disturbing the Peace and Quiet Prohibited.
- 28.0407** Penalty.

28.0401 Definitions.

For purposes of this chapter, the following words and terms shall have the definitions and meanings set forth below:

(a) "Highway" means any road, street, way, or place, publicly maintained and open to use by the public for purposes of vehicular travel. For purposes of this chapter, the term "highway" does not include fire trails, logging roads, service roads regardless of surface composition, any dedicated roadway or easement for road purposes that has not been accepted into the road system of the appropriate governmental jurisdiction, or other roughly graded trails and roads upon which vehicular travel by the public is permitted.

(b) "Motor vehicle" shall have the meaning set forth in section 415 of the California Vehicle Code.

(c) "Off-highway motor vehicle" shall have the meaning set forth in section 38006 of the California Vehicle Code.

(d) "Staging" shall mean a formal or informal assembly or gathering of off-highway vehicles, or other vehicles and equipment accessory thereto, including any related camping or establishment of temporary accommodations, on private or public property for purposes of coordinating the use and operation of such off-highway vehicles on such property or the surrounding areas.

28.0402 Applicability.

Except for section 28.0405, this chapter shall not apply to the proper and legal operation of an off-highway motor vehicle on a highway or within any area, trail or route specifically designated or authorized by a local, state, or federal government agency for use by off-highway motor vehicles.

28.0403 Operating Without Permission on Private or Public Property Prohibited.

Every person who operates an off-highway motor vehicle upon the private property of another or upon any public property, except a highway, at all times while so operating shall maintain

OFF-HIGHWAY MOTOR VEHICLE USE

in his or her possession written permission from the person or entity that is in possession of the property or that owns the property granting permission to operate off-highway motor vehicles thereon; except that if the same document grants permission to two (2) or more persons, a person named in such document need not have such document in his or her possession while another person named in the same document, riding in the same group, and not more than three hundred (300) feet from such person, has such document in his or her possession. This section shall not apply to the proper and legal operation of an off-highway motor vehicle by a property owner on a dedicated roadway or easement for road purposes (whether or not accepted into the road system of the appropriate governmental jurisdiction), if such dedicated roadway or easement is for access to and from the property owner's property.

28.0404 Staging; Permit Required.

No person shall organize, conduct, or participate in staging, as defined herein, involving ten (10) or more persons, without first obtaining and maintaining on the property where such staging is occurring, a Temporary Special Event Permit for a Minor Event pursuant to section 84.0745 of the County Code, even though, pursuant to sub-section 84.0745(a)(2), such a Minor Event, involving less than two hundred (200) persons, would not normally be subject to the Temporary Special Event Permit process.

28.0405 Noise Limits.

No off-highway motor vehicle shall exceed the noise standards established in California Vehicle Code applicable to off-highway motor vehicles.

28.0406 Disturbing the Peace and Quiet Prohibited.

Notwithstanding any other provision in this chapter, no person shall operate any motor vehicle (including any off-highway motor vehicle), or the motor thereof, nor shall any person organize, conduct, or participate in staging (as defined herein), in a manner that disturbs the peace or quiet of any neighborhood or person by noise, dust, smoke, or fumes caused by such motor vehicle or staging activity. The Code Enforcement Division of Land Use Services Department shall establish procedures for the investigation and enforcement of this section, which shall be substantially similar to those contained in section 32.0119 of the County Code, except that if the offending activity occurs in the presence of a code enforcement officer or peace officer, the officer shall have the authority to issue a citation to the offending party pursuant to applicable provisions of this Code.

28.0407 Penalty.

(a) Except as provided in subdivisions (b), (c) and (d), a violation of this chapter is an infraction punishable by a fine of not more than two hundred dollars (\$200).

(b) A second violation of this chapter that is committed within three years after a prior violation for which there was a conviction is an infraction, punishable by a fine of not more than four hundred dollars (\$400).

(c) A third violation of this chapter that is committed within three years after two violations for which there were convictions is an infraction, punishable by a fine of not more than five hundred dollars (\$500).

(d) A fourth or subsequent violation of this chapter that is committed within three years after three or more prior violations for which there were convictions is a misdemeanor, punishable by a fine

OFF-HIGHWAY MOTOR VEHICLE USE

of not more than one thousand dollars (\$1,000) or by imprisonment in county jail for not more than ninety (90) days, or by both fine and imprisonment.

Adopted Ordinance 1590 (1970); Amended Ordinance 3096 (1986); Adopted Ordinance 3973 (2006)

Chapter 5

TRESPASS

Sections:

- 28.051 Trespass by Refusal to Leave.
- 28.052 Trespass by Prohibited Entry.
- 28.053 Form of Notification.
- 28.054 Exceptions.

28.051 Trespass by Refusal to Leave.

It is unlawful for any person to remain on any private property or business premises after being notified by the owner or lessee or other person in charge thereof to remove therefrom.

Adopted Ordinance 2076 (1976); Amended Ordinance 3096 (1987);

28.052 Trespass by Prohibited Entry.

It is unlawful for any person, without permission, express or implied, of the owner or lessee or other person in charge of private property or business premises, to enter upon such private property or business premises after having been notified by the owner or lessee or other person in charge thereof to keep off or keep away therefrom.

Adopted Ordinance 2076 (1976); Amended Ordinance 3096 (1987);

28.053 Form of Notification.

Within the meaning of Sections 28.051 and 28.052, notification by the owner or lessee or other person in charge of the property or premises may be satisfied by direct verbal communication by any such person or by his or her duly delegated agent, including a peace officer or private patrol officer, or by sign conspicuously posted on the property or premises giving notice of the prohibition of the particular form of trespass involved.

Adopted Ordinance 2076 (1976); Amended Ordinance 3096 (1987);

28.054 Exceptions.

This chapter shall not apply in any of the following instances:

(a) Where its application results in or is coupled with an act prohibited by the Unruh Civil Rights Act (which forbids a business establishment generally open to the public from unreasonably and arbitrarily excluding any prospective customer, and from practicing any racial or other prohibited discrimination);

(b) Where its application results in or is coupled with an act prohibited by any other provisions of law relating to unlawful discrimination against any person on account of color, race, religion, creed, ancestry or national origin;

(c) Where its application results in or is coupled with an act prohibited by Section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers;

TRESPASS

(d) Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities;

(e) Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech such as, but not limited to, peaceful expressions of political or religious opinions, not involving conduct otherwise punishable criminally under such laws as Penal Code Section 647c (obstruction of a street, sidewalk, or other public area), or Penal Code Section 415 (disturbing the peace);

(f) Where the person who is upon another's private property or business premises is there under claim or color of legal right. This exception is applicable, but not limited to, the following types of situations involving disputes wherein the participants generally have civil remedies readily available to them: marital and post-marital disputes; child custody or visitation disputes; disputes regarding title to or rights in real property; landlord-tenant disputes; disputes between members of the same family or between persons residing upon the property concerned up until the time of the dispute; employer-employee disputes; business-type disputes such as those between partners; debtor-creditor disputes; and instances wherein the person claims rights to be present pursuant to order, decree or process of a court.

Adopted Ordinance 2076 (1976); Amended Ordinance 3096 (1987);

Chapter 6

ACCESS: CUCAMONGA CANYON

Section:

28.061 Prohibition of Unauthorized Access to Cucamonga Canyon.

28.061 Prohibition of Unauthorized Access to Cucamonga Canyon.

(a) No person shall enter or remain upon any private or public land in the area of Cucamonga Canyon between the time period of one (1) hour after sunset on any given day to one (1) hour before sunrise on the following day, without having written permission from the owner of such lands, or the owner's agent or lessee, authorizing such entry onto such private or public lands.

(b) For the purpose of this section, "the area of Cucamonga Canyon" shall mean any and all private or public property, excluding roadways open to the public, within the unincorporated area of the County, south of the San Bernardino National Forest, north of the City of Rancho Cucamonga city limits, and west of what would be the northerly extension of Sapphire Street if said Sapphire Street extended northward to the San Bernardino National Forest.

(c) The terms and provisions of this section shall not apply to the following:

(1) The owner or lessee of such lands, or owner's or lessee's agent, together with persons having visible or lawful business with said owner, lessee, agent or person in lawful possession;

(2) Any federal, state or local law enforcement, fire protection or safety personnel;

(3) Any public utility or related service personnel while actively engaged in the performance of such public utility or related service;

(4) Any fenced and privately owned land containing structures, dwellings or other improvements of an owner or person in lawful possession of such property; and,

(5) The area of the Forest Service access easement to the San Bernardino National Forest commonly known by the names "Big Tree Road" or "Cucamonga Canyon Truck Road."

(d) The County Administrative Officer may designate a County Department to post any necessary signs.

Adopted Ordinance 3267 (1988); Amended Ordinance 3268 (1988);

Chapter 7

GRAFFITI SUPPRESSION

Sections:

- 28.071 Findings.
- 28.072 Definitions.
- 28.073 Removal of Graffiti.
- 28.074 Aerosol Paint Containers and Felt Tip Markers.
- 28.075 Property Maintenance.

28.071 Findings.

The Board of Supervisors finds that graffiti, on public and private properties, is a blighting factor on the neighborhood, encourages other acts of malicious vandalism, and depreciates the value of adjacent and surrounding properties. The Board also finds that graffiti is inconsistent with the County's property maintenance goals, aesthetic standards, and that it is important to remove graffiti as quickly as possible. The Board further finds that aerosol paint containers and felt tip markers are used to create graffiti and that there is a need for retailers to keep such items under lock and key, available only on special request, to reduce their use for purposes of graffiti.

Adopted Ordinance 3537 (1993);

28.072 Definitions.

For purposes of this Chapter:

- (a) "Aerosol paint container" means any aerosol container, regardless of the material from which it is made, which is adapted or made for the purpose of spraying paint capable of defacing property.
- (b) "Felt tip marker" means any broad-tipped indelible marker or similar implement containing ink or dye that is not water-soluble, and which has a flat or angled writing surface one-half (1/2) inch long or greater.
- (c) "Graffiti" includes any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn or painted on any structural component of any building, structure, or other facility, regardless of the nature of the material of that structural component.

Adopted Ordinance 3537 (1993);

28.073 Removal of Graffiti.

County funds may be used to remove graffiti from public or privately owned permanent structures located in the unincorporated portion of the County, provided:

- (a) The funds are only used to remove the graffiti itself, and not for painting or repair of a more extensive area.
- (b) In the case of a publicly owned structure, only after securing the consent of the public entity having jurisdiction over the structure.
- (c) In the case of a privately owned structure, only after securing the consent of the owner.

Adopted Ordinance 3537 (1993);

GRAFFITI SUPPRESSION

28.074 Aerosol Paint Containers and Felt Tip Markers.

Every retailer selling or offering for sale in the unincorporated portion of the County of San Bernardino aerosol paint containers or felt tip markers shall keep, store and maintain such items in a place that is locked and secure, or otherwise unavailable except by special request.

Adopted Ordinance 3537 (1993);

28.075 Property Maintenance.

Graffiti on any residence, rental housing, multi-residential, commercial or industrial building, structure, sidewalk or driveway is hereby declared to be a public nuisance. The criminal penalties for graffiti as a public nuisance and the civil procedures for abatement of graffiti as a public nuisance shall be as provided in Title 3, Division 3, Chapters 1, 2 and 3 of the San Bernardino County Code.

Adopted Ordinance 3717 (1998);

PUBLIC SAFETY

DIVISION 9. PUBLIC SAFETY

Chapter:

- 1. Swimming Pools - Repealed by Ordinance 3560 (1993);**

VALIDITY OF TITLE 2

DIVISION 10. VALIDITY OF TITLE 2

Chapter 1, section 210.0101

This title and the various parts, divisions, chapters, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the remainder of this title shall not be affected thereby. The County Board of Supervisors hereby declares that it would have passed this title and each part thereof, regardless of the fact that one or more parts hereof be declared unconstitutional or invalid.